



Legislation Details (With Text)

File #: 23-0929 **Version:** 1 **Name:** A.P., LLC Re-Acquisition of Properties
Type: Ordinance **Status:** Adopted
File created: 6/5/2023 **In control:** Economic and Housing Development
On agenda: 7/19/2023 **Final action:** 9/7/2023

Title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, TO ACCEPT AND RECORD THE QUITCLAIM DEEDS FOR THE "REVERTED" PROPERTIES SPECIFIED IN THE SETTLEMENT AGREEMENT AND FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH A.P., LLC, 10 MECHANIC STREET, SUITE 130, RED BANK, NEW JERSEY 07701, AUTHORIZED PURSUANT TO RESOLUTION 7R2-C(S), ADOPTED ON APRIL 12, 2022.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/7/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
8/2/2023	1	Municipal Council	Adopt on First Reading	Pass
7/19/2023	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, TO ACCEPT AND RECORD THE QUITCLAIM DEEDS FOR THE "REVERTED" PROPERTIES SPECIFIED IN THE SETTLEMENT AGREEMENT AND FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH A.P., LLC, 10 MECHANIC STREET, SUITE 130, RED BANK, NEW JERSEY 07701, AUTHORIZED PURSUANT TO RESOLUTION 7R2-C(S), ADOPTED ON APRIL 12, 2022.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), authorizes municipalities to participate in the redevelopment and improvement of areas that are in need of redevelopment or rehabilitation; and

WHEREAS, in order to stimulate the reinvigoration of the City of Newark (the "City"), by Resolution 7Rdo(AS) adopted on June 15, 2005, the entire City was designated as an area in need of rehabilitation pursuant to the Act; and

WHEREAS, on August 17, 2005, the Municipal Council then adopted Ordinance 6S&Fc(S), approving the Second Amendment to the West Ward Redevelopment Plan, and Ordinance 6S&FD(s) approving the Third Amendment to the South Ward Redevelopment Plan governing the Redevelopment of within the West Ward and South Ward (the "Redevelopment Plans"); and

WHEREAS, thereafter the City adopted Resolution 7R2-I(AS) on April 19, 2017, determining that the following properties located at 686 South 16th Street (South Ward), 93 19th Avenue (South

Ward), 39 Pierce Street (South Ward), 41 Pierce Street (South Ward), 797 South 15th Street (South Ward), 189 Jelliff Avenue (South Ward), 84 West Alpine Street (South Ward), 80 Willoughby Street (South Ward), 144 Leslie Street (South Ward), 437 Jelliff Avenue (South Ward), 276-278 Renner Avenue (South Ward), 585 South 19th Street (West Ward), 319 South 18th Street (West Ward), 290 South 19th Street (West Ward), 113 South 9th Street (West Ward), 108-110 South 13th Street (West Ward), 103 Alexander Street (West Ward), 38 Palm Street (West Ward), 31 North Munn Avenue (West Ward), 33 North Munn Avenue (West Ward) Newark, New Jersey, and identified on the Official Tax Map of the City of Newark, as Block 359, Lot 33; Block 367, Lot 6; Block 2619, Lot 20; Block 2619, Lot 21; Block 2646, Lot 19; Block 2662, Lot 30; Block 2693, Lot 4; Block 3051, Lot 45; Block 3065, Lot 8; Block 3578, Lot 61; Block 3625, Lot 7; Block 339, Lot 17; Block 1793, Lot 15; Block 1793, Lot 60; Block 1827, Lot 18; Block 1859, Lot 59; Block 4059, Lot 8; Block 4213, Lot 30; and Block 4213, Lot 29 respectively (the "Properties") are no longer needed for any public use and authorizing the execution of the Agreement for the Sale and Redevelopment of Land, pursuant to N.J.S.A. 40A:12A-8(g) and the Redevelopment Plans, with A.P., LLC, 10 Mechanic Street, Suite 130, Red Bank, New Jersey 07701 (the "Redeveloper"), for the private sale of the Properties, in the amount of Two Hundred Thirty Thousand Four Hundred Ten Dollars and Zero Cents (\$230,410.00) (the "Purchase Price"), for the purpose of developing the Properties into one (1), two or three-family residential units, with or without additional retail use (the "Original Redevelopment Agreement"), to contribute to the reinvigoration of the City; and

WHEREAS, the Redeveloper paid the Purchase Price for all of the Properties; and

WHEREAS, pursuant to the Original Redevelopment Agreement, the City retained certain reversionary rights to all of the Properties in the event Redeveloper breached the Original Redevelopment Agreement; and

WHEREAS, Redeveloper did not develop the Properties in accordance with the Original Redevelopment Agreement; and

WHEREAS, on April 12, 2022, the City adopted Resolution 7R2-c(S), authorizing the execution of Settlement Agreement and First Amendment to Redevelopment Agreement with Redeveloper (collectively the "Parties"), wherein the City and Redeveloper agreed to the following: (1) City waived its Reverter Rights as to ten (10) of the Properties (the "Retained Properties"); (2) Redeveloper committed to complete redevelopment of the Retained Properties on an expedited schedule and in no case later than nine (9) months from the approval of the Settlement Agreement and First Amendment to the Redevelopment Agreement by the Municipal Council; (3) ten (10) of the Properties to revert back to the City (the "Reverted Properties"); and (4) Redeveloper to change its membership composition; and

WHEREAS, the Retained Properties are specifically identified as:

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|----|-----------------------|------------|--------|
| 1. | 93 19th Avenue | Block 367 | Lot 6 |
| 2. | 108-110 South 13th St | Block 1859 | Lot 59 |
| 3. | 39 Pierce Street | Block 2619 | Lot 20 |
| 4. | 41 Pierce Street | Block 2619 | Lot 21 |

- | | | | |
|-----|-----------------------|------------|--------|
| 5. | 797 S. 15th Street | Block 2646 | Lot 19 |
| 6. | 189 Jelliff Avenue | Block 2662 | Lot 30 |
| 7. | 84 West Alpine Street | Block 2693 | Lot 4 |
| 8. | 144 Leslie Street | Block 3065 | Lot 8 |
| 9. | 437 Jelliff Avenue | Block 3578 | Lot 61 |
| 10. | 276-278 Renner Avenue | Block 3625 | Lot 7 |

WHEREAS, the “Reverted Properties” are specifically identified as:

- | | | | |
|-----|-----------------------|------------|--------|
| 1. | 686 South 16th Street | Block 359 | Lot 33 |
| 2. | 80 Willoughby Street | Block 3051 | Lot 45 |
| 3. | 585 South 19th Street | Block 339 | Lot 17 |
| 4. | 319 South 18th Street | Block 1793 | Lot 15 |
| 5. | 290 South 19th Street | Block 1793 | Lot 60 |
| 6. | 113 South 9th Street | Block 1827 | Lot 18 |
| 7. | 103 Alexander Street | Block 4059 | Lot 8 |
| 8. | 38 Palm Street | Block 4199 | Lot 95 |
| 9. | 31 North Munn Avenue | Block 4213 | Lot 30 |
| 10. | 33 North Munn Avenue | Block 4213 | Lot 29 |

WHEREAS, the Settlement Agreement and First Amendment to Redevelopment Agreement reflecting the foregoing was executed by the parties on July 5, 2022 and a copy of same is affixed hereto as Exhibit A; and

WHEREAS, the City desires to complete the purpose of the Settlement Agreement and First Amendment to Redevelopment Agreement, which was authorized pursuant to Resolution 7R2-c(S) on April 12, 2022, and accept the Quitclaim Deeds from Redeveloper for the Reverted Properties.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized to accept and record the Quitclaim Deeds, from A.P., LLC, 10 Mechanic Street, Suite 130, Red Bank, New Jersey 07701, conveying title to the following Reverted Properties, pursuant to the Settlement Agreement and First Amendment to Redevelopment Agreement, attached as Exhibit A, authorized by Resolution 7R2-c(S), adopted by the Municipal Council on April 12,

2022, and execute any other necessary documents to re-acquire title to the Reverted Properties:

I.	686 South 16th Street	Block 359	Lot 33
II.	80 Willoughby Street	Block 3051	Lot 45
III.	585 South 19th Street	Block 339	Lot 17
IV.	319 South 18th Street	Block 1793	Lot 15
V.	290 South 19th Street	Block 1793	Lot 60
VI.	113 South 9th Street	Block 1827	Lot 18
VII.	103 Alexander Street	Block 4059	Lot 8
VIII.	38 Palm Street	Block 4199	Lot 95
IX.	31 North Munn Avenue	Block 4213	Lot 30
X.	33 North Munn Avenue	Block 4213	Lot 29

2. All terms and conditions of Resolution 7R2-c(S), adopted on April 12, 2022, and the Settlement Agreement and First Amendment to Redevelopment Agreement shall remain in full force and effect.
3. A copy of the executed and recorded Quitclaim Deeds of the Reverted Properties, and any other accompanying documents, shall be placed on file in the Office of the City Clerk, together with this Ordinance by the Deputy Mayor/Director of the Department of Economic and Housing Development.
4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance authorizes the Mayor of the City of Newark and/or his designee the Deputy Mayor/Director of the Department of Economic Housing and Development to accept and record the Quitclaim Deeds from A.P., LLC, 10 Mechanic Street, Suite 130, Red Bank, New Jersey 07701, pursuant to Settlement Agreement and First Amendment to Redevelopment Agreement, authorized by Resolution 7R2-c(S), adopted by the Municipal Council on April 12, 2022.

