



Legislation Details (With Text)

File #: 12-2270 **Version:** 1 **Name:** Lease of City Property to Aspira, Inc.
Type: Ordinance **Status:** Filed
File created: 11/29/2012 **In control:** Economic and Housing Development
On agenda: 6/6/2013 **Final action:** 6/6/2013

Title: AN ORDINANCE RATIFYING AND AUTHORIZING THE EXECUTION OF A LEASE BETWEEN THE CITY OF NEWARK AND ASPIRA, INC. of New Jersey, 390 broad Street, Newark, New Jersey 07104, FOR THE PREMISES COMMONLY KNOWN AS 195-205 BLOOMFIELD AVENUE, BLOCK 536, LOT 1, FOR THE SUM OF ONE (\$1.00) PER YEAR FOR A PERIOD OF ONE (1) YEAR, COMMENCING JANUARY 1, 2013 TO DECEMBER 31, 2013, with an option to renew annually for up to five (5) years, terminating not later than December 31, 2018, subject to the annual approval of the City of Newark Municipal Council. (NORTH WARD)
NOTE: Public Hearing to be held on April 17, 2013

Sponsors:

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--|--------|
| 6/6/2013 | 2 | Municipal Council | Close on Public Hearing and Adopt | Pass |
| 4/3/2013 | 1 | Municipal Council | Close on Public Hearing and Adopt | Pass |
| 3/26/2013 | 1 | Municipal Council | Advance and Adopt on First Reading as 6F- | Pass |

AN ORDINANCE RATIFYING AND AUTHORIZING THE EXECUTION OF A LEASE BETWEEN THE CITY OF NEWARK AND ASPIRA, INC. OF NEW JERSEY, 390 BROAD STREET, NEWARK, NEW JERSEY 07104, FOR THE PREMISES COMMONLY KNOWN AS 195-205 BLOOMFIELD AVENUE, BLOCK 536, LOT 1, FOR THE SUM OF ONE (\$1.00) PER YEAR FOR A PERIOD OF ONE (1) YEAR, COMMENCING JANUARY 1, 2013 TO DECEMBER 31, 2013, WITH AN OPTION TO RENEW ANNUALLY FOR UP TO FIVE (5) YEARS, TERMINATING NOT LATER THAN DECEMBER 31, 2018, SUBJECT TO THE ANNUAL APPROVAL OF THE CITY OF NEWARK MUNICIPAL COUNCIL. (NORTH WARD)

NOTE: Public Hearing to be held on April 17, 2013

WHEREAS, the City of Newark owns the premises commonly known as 195-205 Bloomfield Avenue, Newark, New Jersey, being Block 536, Lot 1 on the Official Tax Maps and Tax Duplicate (year 2012) of the City of Newark, New Jersey; and

WHEREAS, Aspira, Inc. of New Jersey, is a nonprofit corporation of the State of New Jersey with tax exempt status with respect to both the State of New Jersey and the Federal Government, and qualifies, pursuant to N.J.S.A. 40A: 12-14 (c), to enter into a lease with the City of Newark for nominal consideration; and

WHEREAS, Aspira, Inc. of New Jersey, is serving a public purpose of a) providing the Media Arts and Boxing Program and any activities in connection thereto, including but not limited to modifications and maintenance of the property, serving approximately seventy-five (75) people, and

b) retail spaces shall be used as office space to provide 1) athletic support services to the community and 2) financial counseling, empowerment and education services to low income residents; and

WHEREAS, the City of Newark, New Jersey, desires to enter into a Lease Agreement with **Aspira, Inc. of New Jersey**, for a period commencing January 1, 2013 to December 31, 2013, for a nominal consideration in accordance with the Terms and Conditions of N.J.S.A. 40A:12-14 (c) and the Lease Agreement, attached hereto and made a part hereof, with an option to renew annually for up to five (5) years, terminating not later than December 31, 2018, subject to the annual approval of the City of Newark Municipal Council; and

WHEREAS, the aforesaid premises are not needed for use by the municipality; and

WHEREAS, the leasing of the aforesaid premises is governed by the provisions of the Local Lands and Building Law, N.J.S.A. 40A:12-14 (c) and N.J.S.A. 40A:12-15 (j); and

WHEREAS, **Aspira, Inc. of New Jersey** shall continue to perform all necessary capital improvements to improve subject property to a condition that will comply with the occupancy requirements, rules regulations and ordinances of the City of Newark and any other governmental agency of jurisdiction.

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

Section 1. The Mayor and/or his designee the Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute a Lease Agreement, a copy of which is attached hereto and made apart hereof, on behalf of the City of Newark, Lessor, with **Aspira, Inc. of New Jersey, 390 Broad Street, Newark, New Jersey 07104**, Lessee, for the letting of the premises commonly known as 195-205 Bloomfield Avenue, Newark, New Jersey, Block 536, Lot 1, on the Official Tax Map and Tax Duplicate (Year 2012), for a period of one (1) year from January 1, 2013 to December 31, 2013, with the option to renew for an additional five (5) years, terminating not later than December 31, 2018. The option to renew the lease shall be subject to the annual approval of the City of Newark Municipal Council.

Section 2. The above Lease Agreement is hereby ratified from January 1, 2013 until the final passage and publication of this Ordinance.

Section 3. **Aspira, Inc. of New Jersey**, shall pay to the City of Newark the sum of One Dollar (\$1.00) annually for a period of One (1) year, as nominal consideration in accordance with the Terms and Conditions of the Lease Agreement, attached hereto and made a part hereof.

Section 4. To the extent there are any taxes due and owing from any Federal, State, County or local authority, **Aspira, Inc. of New Jersey** is obligated to pay said tax as additional rent.

Section 5. **Aspira, Inc. of New Jersey** agrees to continue to perform all necessary capital improvements to improve subject property to a condition that will comply with the occupancy requirements, rules regulations and ordinances of the City of Newark and any other governmental agency of jurisdiction.

Section 6. The above said premises shall be used by **Aspira, Inc. of New Jersey** in

pursuing their objectives; to wit, for the purposes of a) providing the Media Arts and Boxing Program and any activities in connection thereto, including but not limited to modifications and maintenance of the property, serving approximately seventy-five (75) people, and b) retail spaces shall be used as office space to provide 1) athletic support services to the community and 2) financial counseling, empowerment and education services to low income residents.

Section 7. The Department of Economic & Housing Development shall be responsible for the enforcement of the covenants and conditions of the Lease Agreement.

Section 8. The Executive Director of **Aspira, Inc. of New Jersey**, or his/her designated agent, shall annually submit a report to the Deputy Mayor/Director of the Department of Economic & Housing Development, and/or his designee, as well as, a simultaneous copy to the City Clerk, summarizing the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status as a nonprofit corporation pursuant to both the State and Federal Law, as required by N.J.S.A. 40A:12-14 (c). Failure to provide this report are grounds for immediate termination of the lease by the City of Newark.

Section 9. A copy of the Lease Agreement and this Ordinance shall be permanently filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic & Housing Development.

Section 10. All ordinances, or parts thereof, inconsistent with provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 11. Should any section, paragraph, clause or other portion of this Ordinance be deemed to be invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section 12. This Ordinance shall take effect upon final passage and publication in accordance with law.

STATEMENT

This Ordinance shall authorize the Deputy Mayor/Director of the Department of Economic & Housing Development to enter into a Lease Agreement with **Aspira, Inc. of New Jersey, 390 Broad Street, Newark, New Jersey 07104**, for the letting of the property located at 195-201 Bloomfield Avenue, Newark, New Jersey, being Block 536, Lot 1 for a period of one (1) year from January 1, 2013 to December 31, 2013, with the option to renew for an additional five (5) years, terminating not later than December 31, 2018, subject to the annual approval of the City of Newark Municipal Council, for the purposes of a) providing the Media Arts and Boxing Program and any activities in connection thereto, including but not limited to modifications and maintenance of the property, serving approximately seventy-five (75) people, and b) retail spaces shall be used as office space to provide 1) athletic support services to the community and 2) financial counseling, empowerment and education services to low income residents.

