



Legislation Details (With Text)

File #: 20-0131 **Version:** 1 **Name:** TPL Pass Through Second Amendment
Type: Resolution **Status:** Adopted
File created: 1/21/2020 **In control:** Economic and Housing Development
On agenda: 6/10/2020 **Final action:** 6/10/2020

Title: Dept/ Agency: Economic and Housing Development
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Pass Through Agreement
Purpose: To enter into Second Amendment between the City and the Trust for Public Land to remediate and redevelop the area known as Newark Riverfront Park.
Entity Name: The Trust for Public Land
Entity Address: 60 Park Place, Suite 901, Newark, New Jersey 07102
Grant Amount: \$3,515,000.00
Funding Source: State of New Jersey Department of Environmental Protection
Total Project Cost: \$3,515,000.00
City Contribution: No City funds required
Other Funding Source/Amount: \$0.00
Contract Period: June 26, 2016 through December 31, 2020
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
List of Property: (if applicable)
(Address/Block/Lot/Ward)
Additional Information:
The total remaining in the grant to drawdown is \$3,271,256.70:
NJDEP Green Acres Grant: A19D0 - \$1,471,256.70;
NJDEP Green Acres Grant: D1560 - \$1,500,000.00; and
NJDEP ONRR Grant: D1570 - \$300,000.00

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/10/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, The Trust for Public Land (“TPL”), a national non-profit organization dedicated to conserving land for recreation and open space purposes, through its Parks for People Newark program, is partnered with the City of Newark (the “City”) to design, remediate and redevelop the area known as Newark Riverfront Park, which consists of a 7.8 acre portion of the Passaic River waterfront in Newark (“Newark Riverfront Park” or “Project”) on a portion of the area formerly known as Joseph G. Minish Passaic Riverfront Park and Historic Area; and

WHEREAS, the City is developing Newark Riverfront Park in multiple phases and has partnered with the TPL on the design and construction of two (2) of the phases from 2008 to the present; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) Green Acres Program (“Green Acres Program”) provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the NJDEP Office of Natural Resource Restoration (“ONRR”) may grant funds as the State’s Natural Resource Trustee; and

WHEREAS, ONRR granted TPL \$5,346,250.00 in Natural Resource Restoration Grant funds for the development of Newark Riverfront Park as part of non-profit development grant Project Number 07-02-09 (“ONRR TPL Grant”); and

WHEREAS, TPL intends to utilize ONRR TPL Grant funds for the development of Newark Riverfront Park, and the City has authorized TPL to conduct such development on land owned by the City, and on any portion of Newark Riverfront Park that the City or TPL has the right or authority to develop as part of the Project, subject to the terms of the grant agreement between TPL and NJDEP; and

WHEREAS, pursuant to Resolution 7R1-f, adopted on August 5, 2009, the City accepted a matching grant award from the Green Acres Program in the amount of \$1,715,000.00 and authorized the Mayor and/or his designee, the Acting Business Administrator, to enter into a grant agreement with the NJDEP for the development of Newark Riverfront Park (GA Project #0714-06-025) (the “Green Acres Newark Grant”); and

WHEREAS, pursuant to Resolution 7R1-i, adopted on January 6, 2010, the City executed and entered into an Agreement with TPL dated January 6, 2010 to allow TPL to use the Green Acres Newark Grant funds for the development of Newark Riverfront Park (the “Agreement”); and

WHEREAS, pursuant to Resolution 7R3-e, adopted on December 18, 2013, the City accepted an additional \$1,500,000.00 for the Grant from the Green Acres Program for GA Project #0714-06-025 and authorized the Mayor and/or his designee, the Acting Business Administrator, to enter into an amended grant agreement with the NJDEP for the addition of these funds to the Green Acres Newark Grant; and

WHEREAS, pursuant to Resolution 7R3-e, adopted on December 18, 2013, the City accepted a \$300,000.00 grant from the NJDEP Office of Natural Resource Restoration (“ONRR Newark Grant”) and authorized the use of the Natural Resource Restoration Grant for the development of Newark Riverfront Park; and

WHEREAS, pursuant to 7R3-a(S/AS) adopted on March 8, 2016, the Mayor, the Business Administrator, and the Director of the Department of Economic and Housing Development were authorized to enter into a First Amended Agreement with TPL adding the additional \$1,500,000.00 for the Green Acres Newark Grant and the \$300,000.00 ONRR Newark Grant together, and extending expiration of the Agreement to June 25, 2016; and

WHEREAS, this agreement between TPL and the City is not subject to provisions of Local Public Contracts Law pursuant to N.J.S.A. 40:12-28(b); and

WHEREAS, the parties wish to amend the terms of the Agreement between the City and TPL’s use of the ONRR TPL grant for costs incurred in the construction of Newark Riverfront Park and to extend the term of the agreement such that it terminates no later than December 31, 2020 or the completion of all work, whichever is sooner.

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

1. The Mayor and/or his designee, the Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute a Second Amended Agreement with the Trust for Public Land, 60 Park Place, Suite 901, Newark, New Jersey 07102, amending the Agreement pursuant to Resolution 7R1-i, adopted by the Municipal Council on January 6, 2010, as amended by the First Amended Agreement adopted by the Municipal Council pursuant to Resolution 7R3-a (S/AS), approved on March 8, 2016, to: 1) confirm that in partnership with the City, TPL has and is conducting the redevelopment of Newark Riverfront Park in two (2) phases, including holding and managing professional service and construction contracts for the Project and manage the park construction on Project on land owned or controlled by the City; 2) acknowledge that TPL will use funds from the \$5,346,250.00 ONRR TPL Grant, granted directly to TPL by NJDEP, for costs incurred in the development of Newark Riverfront Park; 3) authorize TPL to utilize grant funds from the NJDEP Green Acres Program and NJDEP Office of Natural Resource Restoration designated for Newark Riverfront Park granted to the City and passed-through to TPL under the Agreement for the purpose of developing Newark Riverfront Park; and 4) extend the term of the Agreement so that it terminates no later than December 31, 2020.

2. Attached are Certification of Funds from the Chief Financial Officer stating that the remaining available balance of \$3,271,256.70 is available for the purposes set forth herein and the line appropriations which shall be charged are as follows:

Bus. Unit	Dept. ID	Div/Proj.	Acct.#	Budget Ref.
NW051	G09	A19D0	72090	B2009
NW051	G15	D1560	72090	B2015
NW051	G15	D1570	72090	B2015

3. The Agreement shall be ratified from June 26, 2016, until the adoption of this authorizing resolution to permit reimbursement for qualifying remediation work performed and remediation costs incurred after the First Pass Through Agreement terminated on June 25, 2016.

4. All other terms and conditions of the Agreement remain the same and shall be ratified from the commencement of the Agreement through December 31, 2020.

5. A fully executed copy of the Second Amended Agreement herein authorized shall be filed in the Office of the City Clerk by the Business Administrator.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Economic and Housing Development to enter into and execute a Second Amended Agreement with the Trust for Public Land, 60 Park Place, Suite 901, Newark, New Jersey 07102, amending the Agreement pursuant to Resolution 7R1-i, adopted by the Municipal Council on January 6, 2010, as amended by the First Amended Agreement adopted by the Municipal Council pursuant to Resolution 7R3-a(S/AS), approved on March 8, 2016, to: 1) confirm that in partnership with the City, TPL has and is conducting the redevelopment of Newark Riverfront Park in two (2) phases, including holding and managing professional service and construction contracts for the Project and manage the park construction on Project on land owned or controlled by the City; 2) acknowledge that TPL will use funds from the \$5,346,250.00 ONRR TPL Grant, granted directly to TPL by NJDEP, for costs incurred in the development of Newark Riverfront Park; 3) authorize TPL to utilize grant funds from the NJDEP Green Acres Program and NJDEP Office of Natural Resource Restoration designated for Newark Riverfront Park granted to the City and passed-through to TPL under the Agreement for the purpose of developing Newark Riverfront Park; and 4) extend the term of the Agreement so that it terminates no later than December 31, 2020.