



Legislation Details (With Text)

**File #:** 21-0827      **Version:** 1      **Name:** Brandywine - Evidence Storage Facility PSA

**Type:** Ordinance      **Status:** Adopted

**File created:** 6/9/2021      **In control:** Economic and Housing Development

**On agenda:** 7/8/2021      **Final action:** 7/20/2021

**Title:** AN ORDINANCE AUTHORIZING A CONTRACT FOR SALE OF REAL ESTATE TO BRANDYWINE ACQUISITION AND DEVELOPMENT, LLC, AS THE DESIGNATED REDEVELOPER OF BLOCK 2711, LOTS 1, 3, 4, 6, 7, 8, 11, 53, 54 AND 56 FOR THE AMOUNT OF \$264,100.00, FOR THE REDEVELOPMENT OF THE EVIDENCE STORAGE FACILITY SITE FOR THE CITY OF NEWARK LOCATED WITHIN THE SOUTH BERGEN STREET REDEVELOPMENT PLAN AREA. (south ward)

**Sponsors:** John Sharpe James, LaMonica R. McIver

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/20/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
7/8/2021	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AUTHORIZING A CONTRACT FOR SALE OF REAL ESTATE TO BRANDYWINE ACQUISITION AND DEVELOPMENT, LLC, AS THE DESIGNATED REDEVELOPER OF BLOCK 2711, LOTS 1, 3, 4, 6, 7, 8, 11, 53, 54 AND 56 FOR THE AMOUNT OF \$264,100.00, FOR THE REDEVELOPMENT OF THE EVIDENCE STORAGE FACILITY SITE FOR THE CITY OF NEWARK LOCATED WITHIN THE SOUTH BERGEN STREET REDEVELOPMENT PLAN AREA. (SOUTH WARD)**

**WHEREAS**, on June 15, 2005, pursuant to Resolution 7Rdo(AS), adopted by the Municipal Council, the entire City of Newark (the "City") was designated an "area in need of rehabilitation" as defined by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., including the lots located at 775 Bergen Street, 779-781 Bergen Street, 783 Bergen Street, 785 Bergen Street, 787-791 Bergen Street, 793 Bergen Street, 178 W. Runyon Street, 174-176 W. Runyon Street and 172 W. Runyon Street, also known as Block 2711, Lots 1, 3, 4, 6, 7, 8, 11, 53, 54 and 56 on the Official Tax Map of the City of Newark (the "Property"); and

**WHEREAS**, on January 5, 2017, pursuant to Ordinance 6PSF-b, adopted by the Municipal Council, the City of Newark adopted the South Bergen Street Redevelopment Plan (the "Redevelopment Plan"), as last amended by Ordinance 6PSF-e on April 7, 2020, which governs the zoning of the Property; and

**WHEREAS**, the City wishes to construct a new state-of-the-art Evidence Storage Facility (the "Evidence Storage Facility") for the use of its Public Safety Department; and

**WHEREAS**, companion legislation will be presented to the Municipal Council at the same meeting this legislation is presented, designating Brandywine Acquisition and Development, LLC

(“Brandywine”), as the redeveloper of the Property that is to constitute the Evidence Storage Facility and approves the execution of a Redevelopment Agreement with Brandywine (the “Redevelopment Agreement”); and

**WHEREAS**, companion legislation will be presented to the Municipal Council at the same meeting this legislation is presented authorizing the execution of a Capital Sale/Leaseback Agreement (the “Sale/Leaseback Agreement”) with Brandywine as the redeveloper of the Property to finance and construct the Evidence Storage Facility; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8(g) the City is authorized to “lease or convey property or improvements to any other party . . . without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan . . . .”; and

**WHEREAS**, pursuant to the City’s Redevelopment Agreement, Sale/Leaseback Agreement and the Contract for the Sale of Real Estate subject to the adoption of this Ordinance, the City shall convey the Property to Brandywine Acquisition and Development, LLC for consideration as the designated redeveloper acting on the City’s behalf; and

**WHEREAS**, the City has determined that the proposed Contract for Sale of Real Estate is beneficial by ensuring the necessary properties are acquired by the City’s designated redeveloper for the expeditious development of the City’s new state-of-the-art Evidence Storage Facility.

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

**SECTION 1.** The above recitals are incorporated by reference as if fully set forth herein.

**SECTION 2.** The Municipal Council hereby approves the Contract for Sale of 775 Bergen Street, 779-781 Bergen Street, 783 Bergen Street, 785 Bergen Street, 787-791 Bergen Street, 793 Bergen Street, 178 W. Runyon Street, 174-176 W. Runyon Street and 172 W. Runyon Street, also known as Block 2711, Lots 1, 3, 4, 6, 7, 8, 11, 53, 54 and 56 on the Official Tax Map of the City of Newark (the “Property”) to Brandywine Acquisition and Development, LLC for Two Hundred Sixty-Four Thousand One Hundred Dollars and Zero Cents (\$264,100.00), as the designated redeveloper of the Property acting on the City’s behalf to develop the Evidence Storage Facility located within the South Bergen Street Redevelopment Plan area pursuant to the terms and conditions contained therein, which is attached hereto and made part hereof.

**SECTION 3.** The Municipal Council hereby authorizes and directs the Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute the Contract for Sale of the Property upon adoption of this ordinance.

**SECTION 4.** The Municipal Council hereby authorizes and directs the City Business Administrator, Chief Financial Officer, Corporation Counsel, and other City employees and agents to take any necessary and appropriate actions to effectuate the implementation of this Ordinance and the Contract for Sale of the Property.

**SECTION 5.** All ordinances or resolutions of the City which are inconsistent with the

provisions of this ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 6.** If any Section, Subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 7.** This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

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 enter into and execute a contract for the sale of 775 Bergen Street, 779-781 Bergen Street, 783 Bergen Street, 785 Bergen Street, 787-791 Bergen Street, 793 Bergen Street, 178 W. Runyon Street, 174-176 W. Runyon Street and 172 W. Runyon Street, also known as Block 2711, Lots 1, 3, 4, 6, 7, 8, 11, 53, 54 and 56 on the Official Tax Map of the City of Newark (the "Property") from the City to Brandywine Acquisition & Development, LLC for \$264,100.00, as the designated redeveloper of the Property acting on the City's behalf to develop the Evidence Storage Facility located within the South Bergen Street Redevelopment Plan area pursuant to the terms and conditions contained therein, which is attached hereto and made part hereof. (South Ward)