



Legislation Details (With Text)

File #: 23-0288 **Version:** 1 **Name:** Ordinance: Joseph G. Minish Passaic Riverfront Park - Temporary Work Easements
Type: Ordinance **Status:** Adopted
File created: 2/16/2023 **In control:** Economic and Housing Development
On agenda: 4/5/2023 **Final action:** 5/3/2023

Title: AN ORDINANCE TO ACQUIRE TEMPORARY WORK AREA EASEMENTS AND/OR PERPETUAL AND PERMANENT EASEMENTS ON CITY-OWNED PROPERTY LOCATED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 1, LOT 60, BLOCK 2, LOTS 15, 27, AND 29, BLOCK 3, LOTS 1 AND 13 AND BLOCK 4, LOT 1, AND A TEMPORARY WORK AREA EASEMENT AND PERPETUAL PERMANENT EASEMENT ON PRIVATELY OWNED PROPERTY COMMONLY KNOWN AS BLOCK 4, LOT 9, FOR THE CONSTRUCTION OF THE JOSEPH G. MINISH PASSAIC RIVER WATERFRONT PARK AND HISTORIC AREA, NEWARK, NEW JERSEY.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/3/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
4/19/2023	1	Municipal Council	Adopt on First Reading	Pass
4/5/2023	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE TO ACQUIRE TEMPORARY WORK AREA EASEMENTS AND/OR PERPETUAL AND PERMANENT EASEMENTS ON CITY-OWNED PROPERTY LOCATED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 1, LOT 60, BLOCK 2, LOTS 15, 27, AND 29, BLOCK 3, LOTS 1 AND 13 AND BLOCK 4, LOT 1, AND A TEMPORARY WORK AREA EASEMENT AND PERPETUAL PERMANENT EASEMENT ON PRIVATELY OWNED PROPERTY COMMONLY KNOWN AS BLOCK 4, LOT 9, FOR THE CONSTRUCTION OF THE JOSEPH G. MINISH PASSAIC RIVER WATERFRONT PARK AND HISTORIC AREA, NEWARK, NEW JERSEY.

WHEREAS, the City of Newark (the “City”) recognizes that the Passaic River shoreline existing within the City of Newark, County of Essex, State of New Jersey is subject to constant erosion and degradation, thereby destroying a valuable natural resource, and threatening the property of the City of Newark and the citizens of the State of New Jersey; and

WHEREAS, the City desires to participate with the New Jersey Department of Environmental Protection (the “NJDEP”) and the United States Army Corps of Engineers (the “USACE”) to construct the Joseph G. Minish Passaic River Waterfront Park and Historic Area, Newark, New Jersey, as defined in the May 25, 1999 Project Cooperation Agreement (“PCA”) entered into by and between the Department of the Army and the New Jersey Department of Environmental Protection (the “Project”); and

WHEREAS, construction of the Project includes, but is not limited to bulkhead construction;

restoration of the Passaic River Bank; bank stabilization; creation of tidal wetland, and periodic maintenance work to be performed by the NJDEP and the USACE in conjunction with park and pedestrian walkway construction to be subsequently performed by the City; and

WHEREAS, the City entered into a State Aid Agreement with the New Jersey Department of Environmental Protection for the construction of the Joseph G. Minish Passaic River Waterfront Park and Historic Area, Newark, New Jersey Project #6051, dated October 10, 2019 (the "State Aid Agreement"), pursuant to the PCA, wherein the City is required to obtain and provide all real estate, perpetual and temporary easements, and rights of ways for the Project; and

WHEREAS, in order to accomplish part of the Project, the City is required pursuant to the State Aid Agreement to acquire temporary work area easements and/or perpetual and permanent easements in certain parcels owned by the City of Newark designated on the Official Tax Map of the City of Newark, as Block 1, Lot 60, Block 2, Lots 15, 27 and 29, Block 3 Lots 1 and 13 and Block 4, Lot 1, and also in a privately owned parcel designated on the Official Tax Map of the City of Newark, as Block 4, Lot 9; and

WHEREAS, pursuant to the State Aid Agreement, the NJDEP will reimburse the City for the costs the City expends for the acquisition of the real estate for the Project, whether by eminent domain or through a negotiated acquisition, provided such costs are reimbursed by the Army Corps of Engineers in accordance with the Project Partnership Agreement between the Department of the Army and the New Jersey Department of Environmental Protection of June 7, 2017 ("PPA"); and

WHEREAS, the USACE and the State of New Jersey will not participate in the Project, unless the City acquires the temporary work area and permanent easements in these parcels as identified hereinabove which are necessary for the Project; and

WHEREAS, the City desires to cooperate in allowing the Project to be completed as the City and its residents will benefit from the successful implementation of the Project; and

WHEREAS, Integra Realty Resources has prepared an appraisal of the parcel designated as Block 4, Lot 9, which is privately owned, for the City of Newark to support the acquisition of the this parcel; and

WHEREAS, the City does not require an appraisal of those parcels subject to this Ordinance which are owned by the City; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. and the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., the City is authorized to acquire easement interests in property in furtherance of public projects, such as the Project.

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

Section 1. The Mayor of the City of Newark and Deputy Mayor/Director of Economic and Housing Development are each hereby authorized to enter into and execute on behalf of the City of Newark documents necessary, pursuant to State Aid Agreement with the New Jersey Department of Environmental Protection for the construction of the Joseph G. Minish Passaic River Waterfront Park and Historic Area, Newark, New Jersey Project #6051, dated October 10, 2019 for the City and the

State of New Jersey to acquire temporary work area and/or perpetual and permanent easement interests as are deemed necessary for the completion of the Joseph G. Minish Passaic River Waterfront Park and Historic Area, Newark, New Jersey in parcels owned by the City designated on the Official Tax Map of the City of Newark, as Block 1, Lot 60, Block 2, Lots 15, 27 and 29, Block 3 Lots 1 and 13 and Block 4, Lot 1.

Section 2. The Mayor of the City of Newark and Deputy Mayor/Director of the Department of Economic and Housing Development are each hereby authorized, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., and the State Aid Agreement to make an offer to the property owner, negotiate with the property owner, and acquire from the property owner those temporary work area and perpetual easement interests deemed necessary to be acquired by the City and the State of New Jersey for the completion of the Project in the property designated on the Official Tax Map of the City of Newark, as Block 4, Lot 9 ("Private Lot").

Section 3. The Mayor of the City of Newark and Deputy Mayor/Director of the Department of Economic and Housing Development are each hereby authorized to enter into and execute, on behalf of the City, documents necessary to acquire, either by purchase or condemnation those temporary work area and perpetual and permanent easement interests deemed necessary to be acquired by the City and the State of New Jersey for the completion of the Project in the Private Lot.

Section 4. The Mayor of the City of Newark and the Deputy Mayor/Director of the Department of Economic and Housing Development and the Director of the Department of Finance are each hereby authorized to enter into and execute and deliver any and all documents and certificates necessary or convenient in connection with the transactions authorized herein, including, without limitation, an affidavit of title, a closing statement and a continuing disclosure agreement.

Section 5. This Ordinance shall take effect upon adoption and approval in the time and manner prescribed by law.

STATEMENT

This Ordinance authorizes the acquisition of temporary work area easements and/or perpetual and permanent easements interests in parcels owned by the City of Newark designated on the Official Tax Map of the City of Newark, as Block 1, Lot 60, Block 2, Lots 15, 27 and 29, Block 3, Lots 1 and 13 and Block 4, Lot 1 and also in a privately owned parcel designated on the Official Tax Map of the City of Newark, as Block 4, Lot 9, which easement acquisitions by the City of Newark are necessary to construct the Joseph G. Minish Passaic River Waterfront Park and Historic Area, Newark, New Jersey, as defined in the May 25, 1999, Project Cooperation Agreement entered into by and between the Department of Army and the State of New Jersey.