



Legislation Details (With Text)

File #: 21-1047 **Version:** 1 **Name:** Ordinance: Amending Lease Agreement with Miller Street Development Urban Renewal, LLC

Type: Ordinance **Status:** Adopted

File created: 7/14/2021 **In control:** Mayor's Office

On agenda: 8/4/2021 **Final action:** 8/19/2021

Title: AN ORDINANCE AMENDING 6PSF-G ADOPTED ON JUNE 2, 2021, LEASE AGREEMENT WITH MILLER STREET DEVELOPMENT URBAN RENEWAL, LLC, AS LANDLORD, EXTENDING TARGET COMPLETION DATE AND DATE ON WHICH THE CITY OF NEWARK MAY TERMINATE, IF PREMISES ARE NOT COMPLETED AND READY FOR OCCUPANCY RELATED TO THE RESIDENTIAL HOMELESS SHELTER AND ASSOCIATED OFFICE SPACE UNDER CONSTRUCTION AT THE FORMER MILLER STREET SCHOOL, LOCATED AT 47-71 MILLER STREET, 61-75 FRELINGHUYSEN AVENUE AND 47-61 VANDERPOOL STREET, NEWARK, NEW JERSEY 07114 (SOUTH WARD), PURSUANT TO N.J.S.A. 40A:12-5.

No Action Taken 6PSF-z (s) 081721

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/19/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
8/17/2021	1	Municipal Council	No Action Taken	
8/4/2021	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE AMENDING 6PSF-G ADOPTED ON JUNE 2, 2021, LEASE AGREEMENT WITH MILLER STREET DEVELOPMENT URBAN RENEWAL, LLC, AS LANDLORD, EXTENDING TARGET COMPLETION DATE AND DATE ON WHICH THE CITY OF NEWARK MAY TERMINATE, IF PREMISES ARE NOT COMPLETED AND READY FOR OCCUPANCY RELATED TO THE RESIDENTIAL HOMELESS SHELTER AND ASSOCIATED OFFICE SPACE UNDER CONSTRUCTION AT THE FORMER MILLER STREET SCHOOL, LOCATED AT 47-71 MILLER STREET, 61-75 FRELINGHUYSEN AVENUE AND 47-61 VANDERPOOL STREET, NEWARK, NEW JERSEY 07114 (SOUTH WARD), PURSUANT TO N.J.S.A. 40A:12-5.

No Action Taken 6PSF-z (s) 081721

WHEREAS, the City of Newark (the “City”), like many large urban areas throughout the country, is experiencing a homeless crisis as one of the most pressing and urgent issues concerning public health and safety and is in need of quality living space to aid in the temporary housing assistance of Newark’s homeless individuals and families; and

WHEREAS, the City has located a suitable location consisting of approximately 24,749 square feet of gross rentable square feet of space (the “Premises”) in the former Miller Street School located at 47-71 Miller Street (also known as 61-75 Frelinghuysen Avenue and 47-61 Vanderpool Street, Newark, New Jersey 07114), also shown on the Official Tax Map of the City of Newark, as Block 2794, Lots 1 and 26 (the “Building”); and

WHEREAS, Miller Street Development Urban Renewal, LLC (the “Landlord”), a New Jersey limited liability company, whose address is 32 Mt. Kemble Avenue, Morristown, New Jersey 07960 is the owner of the Premises and Building; and

WHEREAS, the City, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-5 and Ordinance 6PSF-g, adopted by the Municipal Council on June 2, 2021, entered into a lease agreement with the Landlord for the Premises with a completion target date of September 15, 2021 and an outside completion date of November 1, 2021; and

WHEREAS, due to delays, the Landlord has requested an extension of the above referenced dates to reflect a new completion target date of December 1, 2021, and an outside completion date of January 15, 2022, in the form attached hereto and made a part of this Ordinance (the “Lease Amendment”); and

WHEREAS, the City wishes to enter into the Lease Amendment with the Landlord to reflect such changes in dates with the balance of the Lease to remain in full force and effect.

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 Business Administrator, is authorized to enter into, execute and deliver a Lease Amendment in a form substantially similar to the Lease Amendment attached hereto, on behalf of the City of Newark as Tenant, with Miller Street Development Urban Renewal, LLC as Landlord, extending the target and outside dates for completion of construction as set forth herein.
2. The Mayor of the City of Newark and/or his designee, the Business Administrator, is hereby authorized to enter into, execute and deliver any and all documents and certificates necessary or convenient in connection with the transactions authorized herein.
3. The City is authorized to execute the Lease Amendment pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-5 et seq., and Ordinance 6PSF-g adopted on June 2, 2021.
4. Both the Landlord and City, as Tenant, shall be responsible for the enforcement and compliance with the covenants and conditions of the Lease as amended.
5. A copy of both the fully executed Lease, Ordinance authorizing the execution of the Lease, the Lease Amendment and this Ordinance shall be permanently filed in the Office of the City Clerk.

6. Any ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

7. If any provision of this Ordinance is deemed unlawful by a court and is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Ordinance shall continue in full force and effect.

8. 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 Business Administrator, to enter into and execute a Lease Amendment with a new completion target date of December 1, 2021, and an outside completion date of January 15, 2022, for the construction of a residential homeless shelter for a portion of the City's homeless population, to be located at a portion of the former Miller Street School located at 47-71 Miller Street, Newark, New Jersey 07114 (also known as 61-75 Frelinghuysen Avenue and 47-61 Vanderpool Street, Newark, New Jersey 07114), on the Official Tax Map of the City of Newark, as Block 2794, Lots 1 and 26.