



Legislation Details (With Text)

**File #:** 14-1489      **Version:** 1      **Name:** Getty Service Station Access Agreement  
**Type:** Resolution      **Status:** Filed  
**File created:** 9/16/2014      **In control:** Economic and Housing Development  
**On agenda:** 11/6/2014      **Final action:** 11/6/2014  
**Title:** Dept/ Agency: Economic & Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Right of Entry Agreement  
Purpose: To permit entity to perform vapor intrusion investigation  
Entity Name: Getty Properties Corp.  
Entity Address: 125 Jericho Turnpike, Suite 103, Jericho, New York 11753  
Contract Period: Commencing on the date the access agreement is fully executed by the parties and terminating on the date that the work has been completed.  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (x) n/a  
Location of Property: (if applicable)  
(Address/Block/Lot/Ward)  
962-966 18th Avenue, Newark, New Jersey/Block 4051.01/Lot 8/West Ward  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/6/2014	1	Municipal Council	Adopt	Pass

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**(Address/Block/Lot/Ward)**  
962-966 18<sup>th</sup> Avenue, Newark, New Jersey/Block 4051.01/Lot 8/West Ward  
**Additional Information:**

**WHEREAS**, the City is the current owner by property tax foreclosure of certain real property located at 962-966 18<sup>th</sup> Avenue, Newark, New Jersey, said property also being identified as Block

4051.01, Lot 8, on the Tax Map of the City (the "Property"); and

**WHEREAS**, Getty Properties Corp., a Delaware corporation ("Getty"), with offices at 125 Jericho Turnpike, Suite 103, Jericho, New York 11753, is conducting certain environmental investigation and remediation at the real property located 953 18<sup>th</sup> Avenue, Newark, New Jersey (the "Site") and has retained Tyree Environmental Corp., an environmental consultant licensed in New Jersey ("Consultant"), and Mr. Gregory C. Carr, as its licensed site remediation professional, to conduct that investigation and remediation; and

**WHEREAS**, in connection with its environmental investigation and remediation activities, Getty is required by applicable law to conduct a vapor intrusion investigation at the Property and has requested access from the City to perform that investigation; and

**WHEREAS**, the City has agreed to grant Getty access to the Property to perform its vapor intrusion investigation activities, subject to the terms and conditions set forth in a Site Access Agreement attached hereto and made a part of this Resolution.

**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 & Housing Development, are hereby authorized to enter into and execute an Access Agreement in the form attached hereto with Getty Properties Corp., a Delaware corporation ("Getty"), with offices at 125 Jericho Turnpike, Suite 103, Jericho, New York 11753, so that it may have its contractor, conduct a vapor intrusion investigation on the above-referenced City Property (Block 4051.01, Lot 8) according to the terms and conditions of said agreement.
2. No Municipal funds shall be expended or are required under this resolution.
3. The Department of Economic & Housing Development shall be responsible for the enforcement of the conditions of the Environmental Right of Entry Agreement.
4. A copy of the Environmental Right of Entry Agreement and this Resolution shall be placed on file in the Office of the City Clerk by the Director of the Department of Economic & Housing Development.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Economic & Housing Development, to enter into and execute an Site Access Agreement in the form attached hereto with Getty Properties Corp., a Delaware corporation ("Getty"), with offices at 125 Jericho Turnpike, Suite 103, Jericho, New York 11753, so that it may have its contractor, conduct a vapor intrusion investigation on the above-referenced City Property (Block 4051.01, Lot 8) according to the terms and conditions of said agreement. (West Ward) .