



Legislation Details (With Text)

File #: 14-0931 **Version:** 2 **Name:** Amend RDA Lilac Development Group
Type: Resolution **Status:** Filed
File created: 6/20/2014 **In control:** Economic and Housing Development
On agenda: 12/3/2014 **Final action:** 12/3/2014

Title: Dept/ Agency: Economic & Housing Development
Action: Ratifying Authorizing Amending
Type of Service: Private Sale/Redevelopment
Purpose: First Amendment to Redevelopment Agreement
Entity Name: Lilac Development Group, LLC
Entity Address: 18-20 Bloomfield Ave., Belleville, NJ 07109
Sale Amount: \$N/A
Cost Basis: \$ PSF Negotiated N/A Other:
Assessed Amount: N/A
Appraised Amount: N/A
Contract Period: N/A
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:
(Address/Block/Lot/Ward)
1139-1153 Broad Street/Block 2814/Lot 19/East Ward
Additional Information:

Sponsors: Augusto Amador, Gayle Chaneyfield Jenkins

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/3/2014	2	Municipal Council	Adopt	Pass

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1139-1153 Broad Street/Block 2814/Lot 19/East Ward

Additional Information:

WHEREAS, on May 16, 2001, the City of Newark Municipal Council adopted Ordinance 6S&FD which approved the Broad Street/Murray Street Redevelopment Plan which was adopted to facilitate the continued redevelopment of the Project Area described in the Broad Street/Murray Street Redevelopment Plan consisting of properties bounded by Broad Street, Murray Street and Gillette Place, as described more particularly in the Broad Street/Murray Street Redevelopment Plan which are part of Block 2814 on the Tax Maps of the City which were subsequently merged into Block 2814, Lot 19 (also known as 1139-1153 Broad Street, hereinafter the “Properties”); and

WHEREAS, the Broad Street/Murray Street Redevelopment Plan authorizes the development of the Properties for the following uses: facilities for the retail sale of petroleum products and automotive accessories, motor vehicle repair, the sale of convenience store items and products, car wash, kiosk food facilities, drive in restaurants, and/or quick serve restaurant fast food operations as well as commercial/retail reuse consistent with that allowed in the B3 Zoning District; and

WHEREAS, on March 7, 2006 the City of Newark Municipal Council adopted Resolution 7RL (s) authorizing the Mayor and the Department of Economic and Housing Development to execute and enter into a Redevelopment Agreement for the sale of land and redevelopment (“Redevelopment Agreement”) with Lilac Development, LLC, 18-20 Bloomfield Avenue, Belleville NJ 07107 (“Redeveloper”) for the Properties” and other described City owned land and for the development of a project on the Properties subject to the terms and conditions of the Redevelopment Agreement, the terms and conditions set forth in Resolution 7RL(s), and the East Ward Redevelopment Plan; and

WHEREAS, on September 24, 2009, the City executed a deed (the “Deed”) transferring the Properties to the Redeveloper which contained a deed restriction requiring that Redeveloper construct only the uses established in the current redevelopment plan; and

WHEREAS, it has been determined that Resolution 7RL(s), adopted on March 7, 2006, and the Redevelopment Agreement both incorrectly identify the East Ward Redevelopment Plan as the operative plan for the redevelopment of the Properties, when in fact the Broad Street/Murray Street Redevelopment Plan contains the operative zoning provisions for the Properties; and

WHEREAS, the Redeveloper has requested that the City enter into the attached First Amendment to the Redevelopment Agreement for the Sale of Land and Redevelopment for Lilac Square Plaza (the “First Amendment”) to correct the definition of the Redevelopment Plan applicable to the Properties, to redefine the project related definitions to include any use permitted by the Broad Street/Murray Street Redevelopment Plan, and to amend the timeframes for commencement and completion of the Project; and

WHEREAS, the Redeveloper has also indicated that its lenders may require that the City execute an instrument modifying the covenants and restrictions found in the Deed, to comport those covenants and restrictions with the First Amendment.

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 the First Amendment to the Redevelopment Agreement with Lilac Development, LLC, 18-20 Bloomfield Avenue, Belleville NJ 07107 (the "Redeveloper"), relating to the development of Block 2814, Lot 19, also known as 1139-1153 Broad Street to permit the Redeveloper to construct at its sole cost and expense any use permitted by the Broad Street/Murray Street Redevelopment Plan.

2. The Director of the Department of Economic and Housing Development is hereby authorized to execute any required letter, certification, deed or other recordable instrument to comport the Covenants and Restrictions recorded at Deed Book 12219, Page 2257 to the First Amendment in order to facilitate the Redeveloper's financing of the Project. The Director of the Department of Economic and Housing Development is also authorized to execute the Certificate of Completion contemplated by Section 1203 of the Redevelopment Agreement.
3. The First Amendment to the Redevelopment Agreement, once fully executed, shall be filed with the Office of the City Clerk by the Director of the Department of Economic and Housing Development.
4. No municipal funds are required under this resolution.
5. All other terms and conditions of the Redevelopment Agreement not otherwise amended through this resolution or the aforesaid First Amendment to Redevelopment Agreement are hereby ratified and confirmed.
6. This resolution shall take effect immediately.

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 First Amendment to the Redevelopment Agreement with Lilac Development, LLC, 18-20 Bloomfield Avenue, Belleville NJ 07107, for the development of Properties known as Block 2814, Lot 19, also known as 1139-1153 Broad Street into any use permitted by the Broad Street/Murray Street Redevelopment Plan; and to authorize the Director of the Department of Economic and Housing Development to execute a deed modification and certificate of completion consistent with Section 1203 of the Agreement.