



Legislation Details (With Text)

**File #:** 12-2200      **Version:** 1      **Name:** Ordinance for property 358-360 7th Avenue West  
**Type:** Ordinance      **Status:** Filed  
**File created:** 11/14/2012      **In control:** Health and Community Wellness  
**On agenda:** 2/6/2013      **Final action:** 3/6/2013  
**Title:** ORDINANCE AUTHORIZING THE CITY OF NEWARK TO ACQUIRE THE PROPERTY LOCATED AT 358-360 SEVENTH AVENUE WEST AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK AS BLOCK 1908 LOT 4, FOR THE PURCHASE PRICE OF \$199,000.00 (CITY MUST PROVIDE TEMPORARY HOUSING TO FAMILIES DISPLACED UPON FINDING OF LEAD ABOVE PERMITTED LEVELS IN THEIR HOMES WHILE CITY REMOVES SUCH LEAD.

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/6/2013	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/20/2013	1	Municipal Council	Adopt on First Reading	Pass
2/6/2013	1	Municipal Council	Advance to First Reading	Pass

**ORDINANCE AUTHORIZING THE CITY OF NEWARK TO ACQUIRE THE PROPERTY LOCATED AT 358-360 SEVENTH AVENUE WEST AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK AS BLOCK 1908 LOT 4, FOR THE PURCHASE PRICE OF \$199,000.00 (CITY MUST PROVIDE TEMPORARY HOUSING TO FAMILIES DISPLACED UPON FINDING OF LEAD ABOVE PERMITTED LEVELS IN THEIR HOMES WHILE CITY REMOVES SUCH LEAD.**

**WHEREAS**, pursuant to the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) the City of Newark is permitted to acquire real property for the performance of its functions or other public purposes; and

**WHEREAS**, pursuant to a grant received from the Kresge Foundation, the City must provide temporary housing to families displaced upon a finding of lead above permitted levels in their homes while the City removes such lead; and

**WHEREAS**, the City, through the Department of Child and Family Well-Being, has determined that the property commonly known as 358-360 Seventh Avenue West, as shown on the official tax map of the City of Newark as Block 1908 Lot 4 (the "Property") would be suitable for this purpose; and

**WHEREAS**, through negotiations the current owners, **360 7th AVE LLC** , whose address is 358-360 Seventh Avenue West, Newark, New Jersey, have agreed to sell the Property to the City for the purchase price of \$199,000.00 (the "Purchase Price"); and

**WHEREAS**, the Municipal Council feels that the acquisition of the Property for the Purchase Price set forth above is in the best interests of the City; and

**WHEREAS**, this is the fourth and last property to be purchased under the Kresge Foundation; and

**WHEREAS**, any nominal unspent closing funds less than \$3,000.00 escrowed in attorney trust account to be spent according to the terms of the Kresge Grant; and

**WHEREAS**, the Director of the Department of Child and Family Well-Being shall issue a letter to the Closing Attorney to spend the nominal unspent closing escrow funds, less than \$3,000.00, in accordance with the terms and conduct of the Kresge Foundation grant.

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

1. The Mayor, or his designee the Director of the Department of Child and Family Well-Being, is hereby authorized to enter into a contract with **360 7th AVE LLC**, whose address is 358-360 Seventh Avenue West, Newark, New Jersey 07107, in the same form as that attached hereto (the "Contract") for the purchase of real property shown on the official tax map of the City of Newark at Block 1908, Lot 4, commonly known as 358-360 Seventh Avenue West. The Director of the Department of Child and Family Well-Being is further authorized to take such further actions as are necessary to effectuate the terms of the Contract.

2. The purchase price for the Property shall be \$199,000.00, plus any necessary adjustments for taxes and any normal costs, in accordance with the contract annexed hereto and the terms and conditions of the Kresge Foundation grant, from which these sums will be paid.

3. Attached hereto is a Certification of Funds which states that there are available legally appropriated funds for the purpose set forth hereinabove in the amount of \$199,000.00, representing the purchase price.

4. The Department of Finance is hereby authorized to pay the amount of \$199,000.00 representing the purchase price, which check shall be made payable to Gluck Walrath LLP Attorney Trust Account, the City's outside counsel who will be handling the closing of this transaction.

5. Gluck Walrath LLP upon request by letter from the Director of the Department of Child and Family Well-Being, shall disburse all funds in trust account earmarked for the purchase of real property shown on the official tax map of the City of Newark at Block 1908, Lot 4, commonly known as 358-360 Seventh Avenue West.

6. A copy of the executed Ordinance and Contract shall be placed on file in the Office of the City Clerk by the Director of the Department of Child and Family Well-Being.

7. The Director of the Department of Child and Family Well-Being is further authorized to record said deed with the Register of Essex County, after said deed has been approved by Corporation Counsel as to form and legality and further attested to and acknowledged by the City Clerk.

8. This Ordinance shall take effect upon adoption and the passage of 20 days in accordance with the laws of the State of New Jersey.

#### STATEMENT

Passage of this ordinance shall permit the City of Newark to execute a contract with **360 7th AVE LLC**, whose address is 358-360 Seventh Avenue West, Newark, New Jersey,, for the acquisition of the following property: Block 1908, Lot 4, commonly known as 358-360 Seventh Avenue West, for the amount of \$199,000.00. Also, further authorizing the Director of the Department of Child and Family Well-Being, to spend all nominal funds in attorney trust account pursuant to the terms and conditions of the Kresge Foundation grant.