



Legislation Details (With Text)

**File #:** 14-1099      **Version:** 1      **Name:** Right of Entry 61-77 Empire Street  
**Type:** Resolution      **Status:** Filed  
**File created:** 7/24/2014      **In control:** Economic and Housing Development  
**On agenda:** 12/17/2014      **Final action:** 12/17/2014

**Title:** Dept/ Agency: Economic & Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Right of Entry Agreement  
Purpose: Environmental Investigation and Remediation  
Entity Name: Apache Realty Corp.  
Entity Address: 1401 Golf Street, Scotch Plains, New Jersey 07076  
Contract Period: Six Months from the date of Execution  
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)  
61-77 Empire Street/Block 3537/ Lot 24 (South Ward)  
Additional Information:  
No municipal funds required.

**Sponsors:** Mildred C. Crump, Eddie Osborne

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/17/2014	1	Municipal Council	Adopt	Pass

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**Location of Property:** (if applicable)  
**(Address/Block/Lot/Ward)**  
61-77 Empire Street/Block 3537/ Lot 24 (South Ward)  
**Additional Information:**  
No municipal funds required.

**WHEREAS**, the City of Newark is the current owner of the property located at 61-77 Empire Street, Newark, New Jersey, said property also being identified as Block 3537, Lot 24 (South Ward) on the Official Tax Maps and Tax Duplicate (year 2012) of the City of Newark, New Jersey (the "City Property"); and

**WHEREAS**, Apache Realty Corp., is conducting an environmental investigation/remediation on their property located at 37 Empire Street and their environmental consultant Viridian Environmental Consultants Inc., has indicated that access to the City Property is required to conduct environmental investigation/remediation, geophysical survey, drilling for soil borings to characterize soil and ground water conditions to evaluate the extent of free product observed on site during work, and installation of a permanent monitoring; and

**WHEREAS**, Apache Realty Corp., has requested that the City of Newark grant it access to the City Property for an expected period of six (6) months to perform the activities specifically described herein. In the event the remedial activities exceed the six (6) months period, the access to the Property will be subject to an extension of an additional six (6) months period with the written approval of the Director of the Department of Housing and Economic Development, which shall be approved as to form and legality by the City's Corporation Counsel and attested to and acknowledged by the City Clerk; and

**WHEREAS**, Apache Realty Corp. has engaged, Viridian Environmental Consultants, Inc. as the licensed site remediation professional for certain environmental remediation activities required to be conducted under New Jersey law; and

**WHEREAS**, the City has agreed to grant Apache Realty Corp. access to the City Property to perform such work, subject to reasonable restrictions.

**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 execute a Site Access Agreement with Apache Realty Corp., 1401 Golf Street, Scotch Plains, New Jersey 07076, in the form attached hereto and made a part of this resolution, for the purpose of allowing Apache Realty Corp. to perform all necessary environmental remediation activities, for the premises commonly known as 61-77 Empire Street, being Block 3537, Lot 24 (South Ward).

2. No Municipal funds shall be expended or are required under this resolution.

3. The term shall be six months from the date that the access agreement is fully executed by all parties, subject to an extension of an additional six (6) months period with the written approval of the Director of the Department of Economic and Housing Development, which shall be approved as to form and legality by the City's Corporation Counsel and attested to and acknowledged by the City Clerk.

4. No Municipal funds shall be expended or are required under this resolution.

5. The Department of Economic & Housing Development shall be responsible for the enforcement of the conditions of the Environmental Site Access Agreement.

6. This Resolution shall take effect immediately.

7. A copy of the Environmental Site Access Agreement and this Resolution shall be filed in the Office of the City Clerk by the Director of the Department of Economic and Housing Development.

### **STATEMENT**

Resolution authorizing the Mayor and/or his designee, the Director of the Department of Economic & Housing Development, to enter into and execute a Site Access Agreement between the City of Newark and Apache Realty Corp., 1401 Golf Street, Scotch Plains, New Jersey 07076, in the form attached hereto and made a part of this resolution, for the purpose of allowing Apache Realty Corp. to perform all necessary environmental remediation activities, for the premises commonly known as 61-77 Empire Street, being Block 3537, Lot 24 (South Ward)