



Legislation Details (With Text)

File #: 23-1557 **Version:** 1 **Name:** Ordinance: First Amendment to the Precinct Redevelopment Agreement - Davidson Abraham and Associates, LLC and Mount Hope Housing Company, Inc.

Type: Ordinance **Status:** Adopted

File created: 9/27/2023 **In control:** Economic and Housing Development

On agenda: 11/13/2023 **Final action:** 12/20/2023

Title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT TO ENTER INTO AND EXECUTE THE FIRST AMENDED AGREEMENT FOR THE SALE AND REDEVELOPMENT OF LAND BY AND BETWEEN THE CITY OF NEWARK AND DAVIDSON ABRAHAM AND ASSOCIATES, LLC AND MOUNT HOPE HOUSING COMPANY, INC., FOR THE PRIVATE SALE OF PROPERTY LOCATED AT 209-211 IRVINE TURNER BOULEVARD, 213-217 IRVINE TURNER BOULEVARD, AND 219 IRVINE TURNER BOULEVARD, NEWARK, NEW JERSEY 07108, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 2567, LOTS 35, 31, 32, 33 AND 30 (CENTRAL WARD).
No Action Taken 8-c 111323

Sponsors: Council of the Whole

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AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT TO ENTER INTO AND EXECUTE THE FIRST AMENDED AGREEMENT FOR THE SALE AND REDEVELOPMENT OF LAND BY AND BETWEEN THE CITY OF NEWARK AND DAVIDSON ABRAHAM AND ASSOCIATES, LLC AND MOUNT HOPE HOUSING COMPANY, INC., FOR THE PRIVATE SALE OF PROPERTY LOCATED AT 209-211 IRVINE TURNER BOULEVARD, 213-217 IRVINE TURNER BOULEVARD, AND 219 IRVINE TURNER BOULEVARD, NEWARK, NEW JERSEY 07108, AS IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 2567, LOTS 35, 31, 32, 33 AND 30 (CENTRAL WARD).

No Action Taken 8-c 111323

WHEREAS, pursuant to N.J.S.A. 40A:12A-1 et seq., and the Central Ward Redevelopment Plan adopted by Ordinance 6S&Fe(S) on August 17, 2005, on November 14, 2022, the Municipal Council adopted Ordinance 6PSF-f (the "Original Ordinance"), authorizing the private sale of Block 2567, Lot 35, commonly known as 209-211 Irvine Turner Boulevard (the "Property"), to Davidson Abraham and Associates and Mount Hope Management (the "Redeveloper") and the execution of an Agreement for the Sale of Land and Redevelopment to memorialize the terms and conditions of the

private sale and redevelopment of the Property as a six (6) story mixed-use building, consisting of fifty-eight (58) apartments, two (2) retail commercial spaces consisting of 2,118 square feet and 824 square feet, a police precinct, residential lobby, community facility lobby, and twenty-seven (27) parking spaces for the police precinct (the "Project") (the "Original Redevelopment Agreement"); and

WHEREAS, on or about March 22, 2023, the City of Newark (the "City") and Redeveloper fully executed the Original Redevelopment Agreement; and

WHEREAS, it was subsequently brought to the City's attention that Block 2567, Lots 31, 32, 33, and 30, commonly known as 213-217 Irvine Turner Boulevard and 219 Irvine Turner Boulevard on the Official Tax Map of the City of Newark, were erroneously omitted from the Original Ordinance and the Original Redevelopment Agreement; and

WHEREAS, upon further review it was determined that one of the Redeveloper's names was incorrectly referenced in the Original Ordinance and Original Redevelopment Agreement as Mount Hope Management instead of Mount Hope Housing Company Inc.; and

WHEREAS, the City and Redeveloper desire to enter into the First Amended Agreement for the Sale and Redevelopment of Land ("First Amendment") in a form substantially consistent with the attached hereto as Exhibit A to the rehabilitation of the Property and to correct the names of the Redeveloper as Davidson Abraham and Associates, LLC and Mount Hope Housing Company, Inc., and clarify the property address as 209-211 Irvine Turner Boulevard, 213-217 Irvine Turner Boulevard, and 219 Irvine Turner Boulevard, identified on the Official Tax Map of the City of Newark, as Block 2567, Lots 35, 31, 32, 33 and 30 (the "Corrected Property"); and

WHEREAS, the Municipal Council finds it necessary to make the above referenced amendments to the Original Ordinance and the Original Redevelopment Agreement.

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

1. Ordinance 6PSF-f adopted on November 14, 2022, by the Municipal Council and the Agreement for the Sale of Land and Redevelopment, authorized therein, are hereby amended to correct the Redeveloper names as Davidson Abraham and Associates, LLC and Mount Hope Housing Company, Inc. and to correct the property address to include the property that was inadvertently omitted to reflect as 209-211 Irvine Turner Boulevard, 213-217 Irvine Turner Boulevard, and 219 Irvine Turner Boulevard and identified on the Official Tax Map of the City of Newark, as Block 2567, Lot 35, 31, 32, 33, and 30, in the Central Ward (the "Corrected Property").

2. The Mayor of the City of Newark, and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute the First Amended Agreement for the Sale and Redevelopment of Land, attached hereto as Exhibit A, with Davidson Abraham and Associates, LLC, 295 West Hudson Avenue, Englewood, New Jersey 07631, and Mount Hope Housing Company Inc., 2003-05 Walton Avenue, Bronx, New York 10453-1045, as Redeveloper (the "Corrected Redeveloper") in the amount of Three Hundred Fifty-Six Thousand Dollars and Zero Cents (\$356,000.00) (the "Purchase Price")(the "First Amendment"), for the private sale and redevelopment of the following Corrected Property, in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the First Amendment and the Central Ward Redevelopment Plan, as amended:

| <u>Property Address</u> | <u>Block</u> | <u>Lot</u> |
|-------------------------|--------------|------------|
|-------------------------|--------------|------------|

| | | |
|---------------------------------|------|------------|
| 209-211 Irvine Turner Boulevard | 2567 | 35 |
| 213-217 Irvine Turner Boulevard | 2567 | 31, 32, 33 |
| 219 Irvine Turner Boulevard | 2567 | 30 |

3. The Corrected Property shall be sold to Corrected Redeveloper by private sale for the purpose of developing the Corrected Property as a six (6) story mixed-use building, consisting of fifty-eight (58) apartments, two (2) retail commercial spaces consisting of 2,118 square feet and 824 square feet, a police precinct, residential lobby, community facility lobby, and 27 parking spaces for the police precinct (“Project”).

4. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to effectuate certain business terms and conditions related to the First Amendment and may enter into any related documents, including, but not limited to, Quit Claim Deeds for the Corrected Property and a Lease Agreement related to the Corrected Property, which may be necessary in order to effectuate same.

5. In the event that the City terminates the First Amendment due to a Reverter Event should the Redeveloper fail to diligently pursue the redevelopment of the Corrected Property, the City, in its sole discretion, may exercise its Right of Reverter to transfer title to the Corrected Property back to the City, in accordance with the terms and conditions of the First Amendment and the quit claim deeds. Failure to exercise or delay in exercising this Right of Reverter by the City of Newark shall not constitute a waiver nor shall such failure and/or delay serve as a basis for adverse possession of the Corrected Property. Any and all waivers of the City's Right to Reverter shall be in writing with Municipal Council approval.

6. The executed First Amended Agreement for the Sale and Redevelopment of Land and all exhibits shall be placed on file in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development together with this Ordinance.

7. The Deputy Mayor/Director of the Department of Economic and Housing Development is authorized to enter into a maximum of two (2) six (6) month extensions of any timeframe set forth in the First Amendment, subject to full written disclosure of such extension(s) (in the form of a signed Memorandum to be submitted to the Office of the City Clerk prior to adoption) to the Municipal Council by the Deputy Mayor/Director of the Department of Economic and Housing Development and the approval of the City's Corporation Counsel.

8. The Redeveloper shall have thirty (30) days from the date this Ordinance is certified by the Office of the City Clerk to execute the attached First Amendment and return same to the Department of Economic Housing Development. Should the Redeveloper fail to execute and return the attached First Amendment within this thirty (30) day time period, the authorization provided by this Ordinance shall be null and void, unless the Deputy Mayor/Director of the Department of Economic and Housing Development agrees in writing to extend this thirty (30) day period.

9. All other parts of Ordinance 6PSF-f adopted by the Municipal Council on November 14, 2022 and the Agreement for the Sale of Land and Redevelopment subsequently executed on or about March 22, 2023, shall remain the same.

10. This Ordinance shall become effective upon final passage and publication in accordance with New Jersey Law.

STATEMENT

This Ordinance authorizes the Mayor of the City of Newark, and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development to effectuate certain business terms and conditions related to the First Amended Agreement for the Sale and Redevelopment of Land by and between the City of Newark, as a Redevelopment Entity and Davidson Abraham and Associates, LLC and Mount Hope Housing Company, Inc. as Redeveloper, concerning the sale and transfer of the City's property located 209-211 Irvine Turner Boulevard, 213-217 Irvine Turner Boulevard and 219 Irvine Turner Boulevard and identified on the Official Tax Map of the City of Newark, as Block 2567, Lots 35, 31, 32, 33 and 30 and may enter into any related documents, including, but not limited to, Quit Claim Deeds for the Property and a Lease Agreement related to the construction of the police precinct on the Property, which may be necessary in order to effectuate same.