



Legislation Details (With Text)

**File #:** 20-1182      **Version:** 1      **Name:** Ordinance - Land Bank Trust Agreement  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 9/22/2020      **In control:** Economic and Housing Development  
**On agenda:** 10/7/2020      **Final action:** 11/5/2020  
**Title:** AN ORDINANCE AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT BETWEEN THE CITY OF NEWARK AND INVEST NEWARK TO HOLD PROPERTIES IN TRUST ON BEHALF OF THE CITY OF NEWARK PURSUANT TO N.J.S.A. 40A:12A-74. Deferred 6PSF-r 102110  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
11/5/2020	1	Municipal Council	Close on Public Hearing and Adopt	Pass
10/21/2020	1	Municipal Council	Maintained on Public Hearing and Deferred	Pass
10/7/2020	1	Municipal Council	Motion to amend	Pass
10/7/2020	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT BETWEEN THE CITY OF NEWARK AND INVEST NEWARK TO HOLD PROPERTIES IN TRUST ON BEHALF OF THE CITY OF NEWARK PURSUANT TO N.J.S.A. 40A:12A-74. Deferred 6PSF-r 102110**

**WHEREAS**, N.J.S.A. 40A:12A-74, et. seq., the New Jersey Land Bank Law, authorizes the City of Newark (the “City”) to establish a Land Bank to assist with the economic development and revitalization of the City; and

**WHEREAS**, on October 16, 2019, the Municipal Council adopted Ordinance 6PSF-g establishing a Land Bank in the City; and

**WHEREAS**, on April 7, 2020, Municipal Council designated “Invest Newark” as the Land Bank Entity for the City and authorized the execution of a Land Bank Agreement between the City and Invest Newark; and

**WHEREAS**, the New Jersey Land Bank Law and the Land Bank Agreement authorizes the Land Bank Entity to hold any property or properties in Trust on behalf of the City utilizing a Trust Agreement; and

**WHEREAS**, the Land Bank Agreement required that any property acquisition by Invest Newark must be held after a Public Auction is conducted by the City (the “Initial Acquisition”); and

**WHEREAS**, the City held a Public Auction on August 27, 2020, and all the properties available

at the auction were sold by the City to the public; and

**WHEREAS**, the Land Bank Agreement specified that “additional property acquisitions may occur [to Invest Newark] from the City, subsequent to the Initial Acquisition;” and

**WHEREAS**, additional properties have been identified for acquisition to the Land Bank, which are identified in the Trust Agreement attached hereto as Schedule A; and

**WHEREAS**, the Land Bank Agreement and the Trust Agreement will govern the transfer and disposition of City-owned properties to the Land Bank Entity that will be held in Trust on behalf of the City.

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

1. The Municipal Council approves the attached Trust Agreement with properties within it, attached hereto as Schedule A, for execution by the Mayor and/or Business Administrator.
2. The Trust Agreement and Schedule A shall be in substantially the same form as attached as to its material terms; however, it shall be subject to such modification as the Corporation Counsel or the Business Administrator deems appropriate and necessary.
3. The Deputy Mayor/Director of the Department of Economic and Housing Development shall place a copy of the executed Trust Agreement for the transfer of properties, the Quitclaim Deeds, and all such other executed agreements authorized by this resolution on file in the Office of the City Clerk.
4. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to execute Quitclaim Deeds to Invest Newark for all Properties on Schedule A. Said Quitclaim Deeds conveying title to the Properties to Invest Newark shall be approved as to form and legality by the City’s Corporation Counsel, attested to, and acknowledged by the City Clerk.
5. The City, in its sole discretion, may exercise its Right of Reverter to transfer title to the Properties back to the City, in accordance with the terms and conditions of the Land Bank Agreement, the Trust Agreement and the deed.
6. If any provision of this Ordinance or application thereof to any person(s) or circumstance is ruled invalid by a court of competent jurisdiction, then the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end, the provisions of this Ordinance are declared severable.
7. The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

**STATEMENT**

This Ordinance authorizes the execution of a Trust Agreement by the Mayor and/or the Business Administrator for the transfer of properties specified in the Trust Agreement to “Invest Newark” as the Land Bank entity for the City of Newark.