



Legislation Details (With Text)

**File #:** 20-0350    **Version:** 2    **Name:** Brandywine - Peddler's Square RDA  
**Type:** Resolution    **Status:** Adopted  
**File created:** 2/28/2020    **In control:** Economic and Housing Development  
**On agenda:** 5/6/2020    **Final action:** 5/6/2020

**Title:** Dept/ Agency: Economic and Housing Development  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Redevelopment Agreement  
Purpose: Authorizing execution of a Redevelopment Agreement with Brandywine Acquisition & Development, LLC, as the designated redeveloper of the Peddler's Square site and adjoining properties within the Broad Street Station District Redevelopment Plan Area  
Entity Name: Brandywine Acquisition and Development, LLC  
Entity Address: 2 Ponds Edge Drive, Post Office Box 500, Chadds Ford, Pennsylvania 19317  
Contract Amount: \$7,450,000.00  
Development Agreement Term:  
City Contribution to Development Project:  Grant or Loan  Guarantee  
 None  Other:(                    )  
Developer Investment: :(                    )  
Developer Third-Party Financing  
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)  
183-219 Orange Street/Block 2860/Lot 3 and Block 2861/Lot 10 and Block 2859/ Lots 28 and 64  
Central Ward  
221-247 Orange Street/Block 2861/Lot 34/Central Ward  
249 Orange Street/Block 2861/Lot 37/Central Ward  
63-69 Nesbitt Street/Block 2861/Lot 38/Central Ward  
71-79 Nesbitt Street/Block 2861/Lot 45/Central Ward  
180-248 Orange Street/Block 2854/Lot 1/ Central Ward  
132-138 James Street/Block 2833.01/Lot 2/ Central Ward  
145-152 James Street/Block 2833.02/Lot 1/ Central Ward  
158-176 James Street/Block 2833.03/Lot 2/Central Ward  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/6/2020	1	Municipal Council	Adopt	Pass

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**Development Agreement Term:**

**City Contribution to Development Project:** ( ) Grant or Loan ( ) Guarantee

(X) None ( ) Other:( )

**Developer Investment:** :( )

**Developer Third-Party Financing**

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

(X) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**List of Property:**

**(Address/Block/Lot/Ward)**

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**Additional Information:**

**WHEREAS**, on June 15, 2005, pursuant to Council Resolution 7Rdo(AS), the entire City of Newark was designated an “area in need of rehabilitation” as defined by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., including the lots located at 183-219 Orange Street (Block 2860, Lot 3, Block 2861, Lot 10 and Block 2859, Lots 28 and 64); 221-247 Orange Street (Block 2861, Lot 34); 249 Orange Street (Block 2861, Lot 37); 63-69 Nesbitt Street (Block 2861, Lot 38); 71-79 Nesbitt Street (Block 2861, Lot 45); 180-248 Orange Street (Block 2854, Lot 1); 132-138 James Street (Block 2833.01, Lot 2) 142-152 James Street (Block 2833.02, Lot 1) and 158-176 James Street (Block 2833.03, Lot 2) (“Properties Selected for Redevelopment”); and

**WHEREAS**, pursuant to Municipal Council Ordinance No. 6PSF-a, the City of Newark adopted the Broad Street Station District Redevelopment Plan (the “Redevelopment Plan”), as amended, which governs the zoning of the Properties Selected for Redevelopment; and

**WHEREAS**, pursuant to this Resolution, the City seeks to designate Brandywine Acquisition and Development, LLC, as the exclusive redeveloper of the Properties Selected for Redevelopment consisting of the Peddlers’ Square site and adjoining properties subject to entry of a Redevelopment Agreement; and

**WHEREAS**, based upon the City’s review of the Project and other such information, the City has determined that the Redeveloper possesses the proper qualifications and requisite financial resources and capacity to acquire the Properties and to develop it in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the Redevelopment Agreement, the form of which is attached hereto (the “Redevelopment Agreement”), and the Broad Street Station District Redevelopment Plan, as amended; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8 and N.J.S.A. 40A:12A-9, the City has negotiated a Redevelopment Agreement with Brandywine Acquisition and Development, LLC, as the designated redeveloper of the Properties Selected for Redevelopment.

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

1. The terms and conditions contained in the Redevelopment Agreement by and between the City of Newark and Brandywine Acquisition and Development, LLC, the designated redeveloper of the Peddlers' Square site and adjoining properties, consisting of the lots located at 183-219 Orange Street (Block 2860, Lot 3, Block 2861, Lot 10 and Block 2859, Lots 28 and 64); 221-247 Orange Street (Block 2861, Lot 34); 249 Orange Street (Block 2861, Lot 37); 63-69 Nesbitt Street (Block 2861, Lot 38); 71-79 Nesbitt Street (Block 2861, Lot 45); 180-248 Orange Street (Block 2854, Lot 1); 132-138 James Street (Block 2833.01, Lot 2) 142-152 James Street (Block 2833.02, Lot 1) and 158-176 James Street (Block 2833.03, Lot 2), is hereby accepted and approved.
2. The Mayor and/or his designee, the Director of the Department of Economic and Housing Development, are hereby authorized and directed to execute the Redevelopment Agreement, substantially in the form attached hereto and made part hereof upon adoption of this Resolution by the Municipal Council.
3. The Director of the Department of Economic and Housing Development is hereby authorized to effectuate certain business terms and conditions related to the Redevelopment Agreement annexed hereto and may enter into access and right of entry agreements and related documents, which may be necessary in order to effectuate the sale of the Properties and the terms and conditions of the Redevelopment Agreement, all in forms subject to approval of the City's Corporation Counsel.
4. The Director of the Department of Economic and Housing Development is hereby authorized to enter into a maximum of two (2) six (6) month 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 of the City of Newark by the Director of the Department of Economic and Housing Development and the approval of the City's Corporation Counsel.
5. Upon the adoption of this Resolution and the Redeveloper's execution of the Redevelopment Agreement, Brandywine Acquisition and Development LLC, shall hereby be formally deemed as the designated redeveloper of the lots located at 183-219 Orange Street (Block 2860, Lot 3, Block 2861, Lot 10 and Block 2859, Lots 28 and 64); 221-247 Orange Street (Block 2861, Lot 34); 249 Orange Street (Block 2861, Lot 37); 63-69 Nesbitt Street (Block 2861, Lot 38); 71-79 Nesbitt Street (Block 2861, Lot 45); 180-248 Orange Street (Block 2854, Lot 1); 132-138 James Street (Block 2833.01, Lot 2) 142-152 James Street (Block 2833.02, Lot 1) and 158-176 James Street (Block 2833.03, Lot 2) for all purposes under the law.
6. The Director of the Department of Economic and Housing Development is authorized to execute a Quitclaim Deed to the Redeveloper for the Properties. Said Quitclaim Deed

conveying title to the Properties to the Redeveloper shall be approved as to form and legality by the City's Corporation Counsel and attested to and acknowledged by the City Clerk.

7. The Director of the Department of Economic and Housing Development shall place a copy of the executed Agreement, the Quitclaim Deed, and all such other executed agreements authorized by this Resolution on file in the Office of the City Clerk.
8. The redevelopment agreement is subject to an updated financial analysis to be conducted by the City given the current COVID-19 emergency.
9. This Resolution shall become effective immediately upon adoption pursuant to law.

### **STATEMENT**

This Resolution authorizes the Mayor and/or his designee, the Director of Economic and Housing Development, to enter into and execute a Redevelopment Agreement designating Brandywine Acquisition and Development, LLC, as the designated redeveloper of the Peddler's Square site and adjoining properties within the Broad Street Station District Redevelopment Plan Area.