



## Legislation Text

File #: 21-0880, Version: 1

**Dept./ Agency:** Recreation, Cultural Affairs and Senior Services

**Action:** (X) Ratifying (X) Authorizing (X) Amending

**Type of Service:** Pass Through Agreement

**Purpose:** Ratifying and amending:

- 1) Resolution 7R11-a adopted on May 10, 2018, and the agreement authorized therein to correct the mistake in the grant amount from \$4,250,000.00 to \$3,400,000.00;
- 2) Resolution 7R11-a adopted on May 10, 2018, and the agreement authorized therein, so that all references to the Fourth Amendment shall be considered and referred to as the Fifth Amendment; and
- 3) Extending the term of the pass-through grant agreement between the City and Trust for Public Land from August 6, 2008 through June 30, 2020 to August 6, 2008 through December 31, 2022, for the continued rehabilitation of Jesse Allen Park.

**Entity Name:** The Trust for Public Land

**Entity Address:** 20 Community Place, Suite 7, Morristown, New Jersey 07980

**Pass-Through Grant Amount:** N/A

**Funding Source:** Capital Budget

**Total Project Cost:** \$3,400,000.00

**City Contribution:** \$0.00

**Other Funding Source/Amount:** \$0.00

**Contract Period:** August 6, 2008 through December 31, 2022

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale (X) Grant (X) Sub-recipient ( ) n/a

**List of Property:** Jesse Allen Park

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

41-55 Avon Avenue/Block 2583/Lot 44/Central Ward

**Additional Information:**

- Resolution 7R1-bh(AS) adopted on August 6, 2008, Original Pass-Through Agreement with TPL.
- Resolution 7R1-a(S) adopted on December 22, 2009, First Amended Pass-Through Agreement with TPL.
- Resolution 7R1-f adopted on September 8, 2011, Second Amended Pass-Through Agreement with TPL.
- Resolution 7R1-g adopted on December 19, 2012, Third Amended Pass-Through Agreement with TPL.
- Resolution 7R1-c adopted on August 6, 2014, Fourth Amended Pass-Through Agreement with TPL.
- Resolution 7R11-a adopted on May 10, 2018, Fifth Amended Pass-Through Agreement with TPL (inadvertently mislabeled as the Fourth Amendment).

**WHEREAS**, pursuant to Resolution 7R1-Bh(AS), adopted on August 6, 2008, the City of Newark (the "City") executed and entered into an Agreement with The Trust for Public Land ("TPL"),

60 Park Place, Newark, New Jersey, for funding in an amount not to exceed \$2,100,000.00, for equipment, materials, supplies, and services related to the rehabilitation, improvement, and renovation of Jesse Allen Park, for the period commencing on August 6, 2008 and terminating on December 31, 2009; and

**WHEREAS**, pursuant to said Agreement, TPL and the City agreed that the development of Jesse Allen Park was to be completed in 3 phases: Phase I (park entry, pedestrian corridors, basketball court, tennis courts, skate park, landscaping, lighting, and site furnishings), Phase II (park entry, pedestrian corridors, basketball courts, playground, lighting, sports lighting, landscaping, and site furnishings), and Phase III (multi-use synthetic turf athletic field); and

**WHEREAS**, TPL and the City have completed Phase I and Phase II of Jesse Allen Park; and

**WHEREAS**, the City and TPL have now obtained sufficient funding to complete Phase III construction; and

**WHEREAS**, the City of Newark is committed to working with TPL to ensure the redevelopment of Jesse Allen Park is successful and completed pursuant to an approved remedial action plan; and

**WHEREAS**, pursuant to Resolution 7R1-a(S), adopted on December 22, 2009, the City executed and entered into a First Amended Agreement with TPL for additional funding and time for the redevelopment of Jesse Allen Park for total funding in the amount of \$3,400,000.00 for a period commencing on August 6, 2008 and terminating on August 31, 2011; and

**WHEREAS**, pursuant to Resolution 7R1-f, adopted on September 8, 2011, the City of Newark executed and entered into a Second Amended Agreement with TPL for additional time for redevelopment of the Jesse Allen Park, extending the term of the agreement through August 31, 2012; and

**WHEREAS**, pursuant to Resolution 7R1-g, adopted on December 19, 2012, the City of Newark executed and entered into a Third Amended Agreement with TPL for additional time for redevelopment of the Jesse Allen Park, extending the term of the agreement through August 31, 2013; and

**WHEREAS**, pursuant to Resolution 7R1-c, adopted on August 6, 2014, the City of Newark executed and entered into a Fourth Amended Agreement with TPL for additional time for redevelopment of the Jesse Allen Park, extending the term of the agreement through January 31, 2015; and

**WHEREAS**, pursuant to Resolution 7R11-a adopted on May 10, 2018, the City of Newark executed and entered into a Fifth Amended Agreement (inadvertently mislabeled as the Fourth Amendment) with TPL for additional time for redevelopment of the Jesse Allen Park, extending the term of the agreement through June 30, 2020 and increasing the grant amount by \$850,000.00 from \$3,400,000.00 to \$4,250,000.00; and

**WHEREAS**, Resolution 7R11-a adopted on May 10, 2018, and the grant agreement authorized therein, mistakenly referred to the Municipal Council authorizing the City of Newark to enter into a fourth amended agreement with TPL when it should have authorized the City of Newark

to enter into a fifth amended agreement with TPL; and

**WHEREAS**, Resolution 7R11-a adopted on May 10, 2018, and the grant agreement authorized therein, mistakenly added \$850,000.00 to the grant agreement; and

**WHEREAS**, the correct total of the grant is \$3,400,000.00, not \$4,250,000.00, of which \$2,567,962.42 was expended and a balance of \$832,037.58 remains to be used for the Phase III; and

**WHEREAS**, the parties wish to correct the above-referenced errors to Resolution 7R11-a, adopted on May 10, 2018, and enter into a Sixth Amended (Pass-Through) Agreement extending the term agreement such that it terminates no later than December 31, 2022.

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

1. The Municipal Council hereby ratifies and authorizes an amendment to Resolution 7R11-a, adopted on May 10, 2018, and the agreement authorized therein, so that all references to the Fourth Amendment shall be considered and referred to as the Fifth Amendment.
2. The Municipal Council hereby ratifies and authorizes an amendment to Resolution 7R11-a, adopted on May 10, 2018, and the agreement authorized therein, to correct the mistake of added \$850,000.00 to the grant amount passed through to the Trust for Public Land, 20 Community Place, Morristown, New Jersey 07960, (TPL) from \$4,250,000.00 to \$3,400,000.00, of which \$2,567,962.42 was expended and a balance of \$832,037.58 remains to be used for the Phase III.
3. The Mayor and/or his designee, the Director of the Department of Recreation, Cultural Affairs and Senior Services are hereby authorized to enter into a Sixth Amended Agreement with TPL extending the term of the grant agreement from August 6, 2008 through June 30, 2020 to August 6, 2008 through December 31, 2022.
4. This resolution is hereby ratified from May 10, 2018, to the date of adoption of this authorizing resolution.
5. All other terms and conditions of the Agreement, authorized by the Newark Municipal Council pursuant to Resolution 7R1-bh(AS), adopted on August 6, 2008, as amended by the First Amended Agreement and Resolution 7R1-A(S), adopted on December 22, 2009, by the Second Amended Agreement and Resolution 7R1f and adopted on September 8, 2011, by the Third Amended Agreement and Resolution 7R1-g, adopted on December 19, 2012, by the Fourth Amended Agreement and Resolution 7R1-c, adopted on August 6, 2014, and by the Fifth Amended Agreement and Resolution 7R11-a (inadvertently mislabeled as the Fourth Amendment), adopted on May 10, 2018, remain the same.
6. A fully executed copy of the Sixth Amended Agreement herein authorized shall be filed in the Office of the City Clerk by the Director of the Department of Recreation, Cultural Affairs and Senior Services.

## **STATEMENT**

This resolution ratifies and authorizes the Municipal Council to: (1) amend Resolution 7R11-a May 10, 2018, and the agreement authorized therein to correct the mistake in the grant amount from \$4,250,000.00 to \$3,400,000.00; (2) amend Resolution 7R11-a May 10, 2018, and the agreement authorized therein, so that all references to the Fourth Amendment shall be considered and referred to as the Fifth Amendment; and (3) extend the term of the pass-through grant agreement between the City and Trust for Public Land from August 6, 2008 through June 30, 2020 to August 6, 2008 through December 31, 2022 for the continued rehabilitation of Jesse Allen Park.