



Legislation Text

File #: 21-0781, Version: 2

AN ORDINANCE AUTHORIZING A CONTRACT FOR SALE OF REAL ESTATE TO BRANDYWINE ACQUISITION AND DEVELOPMENT, LLC, AS THE DESIGNATED REDEVELOPER OF BLOCK 2706, LOTS 1, 2, 3, 4, 5, 6, 54, 56 AND 58 FOR THE AMOUNT OF \$282,600.00, FOR THE REDEVELOPMENT OF THE CRIME AND BALLISTICS FACILITY SITE FOR THE CITY OF NEWARK. (SOUTH WARD)

WHEREAS, on June 15, 2005, pursuant to Resolution 7Rdo(AS), adopted by the Municipal Council, the entire City of Newark (the "City") 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 a 706-714 Hunterdon Street, 247 Peshine Avenue, 249-251 Peshine Avenue, 253-255 Peshine Avenue and 257 Peshine Avenue, also known as Block 2706, Lots 1, 2, 3, 4, 5, 6, 54, 56 and 58 on the Official Tax Map of the City of Newark (the "Property"); and

WHEREAS, on January 5, 2017, pursuant to Ordinance 6PSF-b, adopted by the Municipal Council, the City of Newark adopted the South Bergen Street Redevelopment Plan (the "Redevelopment Plan"), as last amended by Ordinance 6PSF-e on April 7, 2020, which governs the zoning of the Property; and

WHEREAS, the City wishes to construct a new state-of-the-art Crime and Ballistics Facility (the "Crime and Ballistics Facility"), for the use of its Public Safety Department; and

WHEREAS, a companion legislation will be presented to the Municipal Council at the same meeting this legislation is presented designating Brandywine Acquisition and Development, LLC ("Brandywine") as the redeveloper of the Property that is to constitute the Crime and Ballistics Facility site and approved the execution of a Redevelopment Agreement with Brandywine (the "Redevelopment Agreement"); and

WHEREAS, a companion legislation will be presented to the Municipal Council at the same meeting this legislation is presented authorizing the execution of a Capital Sale/Leaseback Agreement (the "Sale/Leaseback Agreement") with Brandywine as the redeveloper of the Property to finance and construct the Crime and Ballistics Facility; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8(g) the City is authorized to "lease or convey property or improvements to any other party . . . without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan"; and

WHEREAS, pursuant to the City's Redevelopment Agreement, Sale/Leaseback Agreement and the Contract for the Sale of Real Estate subject to the adoption of this Ordinance, the City shall convey the Property to Brandywine for consideration as the designated redeveloper acting on the

City's behalf; and

WHEREAS, the City has determined that the proposed Contract for Sale of Real Estate is beneficial by ensuring the necessary properties are acquired by the City's designated redeveloper for the expeditious development of the City's new state-of-the-art Crime and Ballistics Facility.

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

SECTION 1. The above recitals are incorporated by reference as if fully set forth herein.

SECTION 2. The Municipal Council hereby approves the Contract for Sale of Real Estate to Brandywine for Two Hundred Eighty-Two Thousand, Six Hundred Dollars and Zero Cents (\$282,600.00), as the designated redeveloper of the Property acting on the City's behalf to develop the Crime and Ballistics Facility pursuant to the terms and conditions contained therein, which is attached hereto and made part hereof.

SECTION 3. The Municipal Council hereby authorizes and directs 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 Contract for Sale of Real Estate upon adoption of this ordinance.

SECTION 4. The Municipal Council hereby authorizes and directs the City Business Administrator, Corporation Counsel, and other City employees and agents to take any necessary and appropriate actions to effectuate the implementation of this ordinance and the Contract for Sale of Real Estate.

SECTION 5. All ordinances or resolutions of the City which are inconsistent with the provisions of this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 6. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 7. This ordinance shall take effect immediately upon final passage, approval and publication as provided by 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 enter into and execute a contract for the sale of 706-714 Hunterdon Street, 247 Peshine Avenue, 249-251 Peshine Avenue, 253-255 Peshine Avenue and 257 Peshine Avenue, also known as Block 2706, Lots 1, 2, 3, 4, 5, 6, 54, 56 and 58 on the Official Tax Map of the City of Newark from the City to Brandywine Acquisition and Development, LLC for \$282,600.00, as the designated redeveloper of the Property acting on the City's behalf for the development of the City's new state-of-the-art Crime and Ballistics Facility to be located within the South Bergen Street Redevelopment Plan area. (South Ward)

