



Legislation Text

File #: 20-1548, Version: 1

AN ORDINANCE AUTHORIZING A CONTRACT FOR SALE OF REAL ESTATE TO BRANDYWINE ACQUISITION & DEVELOPMENT, LLC AS THE DESIGNATED REDEVELOPER OF BLOCK 2687, LOTS 14, 16, 17, 25, 40, 41, 42, 43 AND 60 FOR THE REDEVELOPMENT OF THE BERGEN STREET POLICE AND FIRE TRAINING ACADEMY SITE FOR THE CITY OF NEWARK.

WHEREAS, on June 15, 2005, pursuant to Municipal Council Resolution 7Rdo(AS), 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 687-689 Bergen Street, 691 Bergen Street, 693 Bergen Street, 695-715 Bergen Street, 158 Chadwick Avenue, 160 Chadwick Avenue, 162 Chadwick Avenue and 164 Chadwick Avenue, also known as Block 2687, Lots 14, 16, 17, 25, 40, 41, 42, 43 and 60 on the official tax maps of the City (the “Property”); and

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

WHEREAS, on May 6, 2020, pursuant to Resolution 7R2-r, the City designated Brandywine Acquisition and Development, LLC (“Brandywine”) as the redeveloper of the Property that is to constitute the Bergen Street Police and Fire Training Academy site (the “Academy”) and entered a Redevelopment Agreement dated July 8, 2020 (the “Redevelopment Agreement”); and

WHEREAS, on May 20, 2020, pursuant to Ordinance 6PSF-a, the City authorized the entry of a Capital Sale/Leaseback Agreement (the “Sale/Leaseback Agreement”) with Brandywine as the redeveloper of the Property to finance and construct the Academy; and

WHEREAS, on September 18, 2020, the Sale/Leaseback Agreement was entered between the City and Brandywine; and

WHEREAS, authorized pursuant to a separate ordinance, the City is entering a Contract for the Purchase of Real Estate with the Newark Board of Education to acquire the Property for redevelopment into the Academy; and

WHEREAS, the Newark Board of Education is selling the entire Property consisting of Block 2687, Lots 14, 16, 17, 25, 40, 41, 42, 43 and 60 to the City for \$1,950,000.00 pursuant to a Contract for the Purchase of Real Estate with the City; 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 nominal 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 Academy.

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. The Municipal Council hereby approves the Contract for Sale of Real Estate to Brandywine for Ten Dollars and Zero Cents (\$10.00) as the designated redeveloper of the Property acting on the City’s behalf to develop the Academy pursuant to the terms and conditions contained therein, which is attached hereto and made part hereof.
3. The Municipal Council hereby authorizes and directs the Mayor to execute the Contract for Sale of Real Estate upon adoption of this ordinance.
4. The Municipal Council hereby authorizes and directs the City’s Business Administrator, Chief Financial Officer, 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.
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.
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.
7. This ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

STATEMENT

This ordinance authorizes a Contract for Sale of Real Estate from the City to Brandywine Acquisition and Development, LLC for nominal consideration as the designated redeveloper of the Property acting on the City’s behalf for the development of the City’s new Police and Fire Training Academy to be located within the Bergen Street Redevelopment Plan area.