



## Legislation Text

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File #: 21-1903, Version: 1

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**Dept/ Agency:** Law

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

**Type of Service:** Hold Harmless Agreement

**Purpose:** To allow construction project to proceed.

**Entity Name:** Broad Street Urban Renewal, LLC

**Entity Address:** 570 Commerce Boulevard, Carlstadt, New Jersey 07072

**Location:** 349-377 Broad Street and 379-397 Broad Street, Newark, New Jersey 07104

**Additional Information:** Block 451, Lot 2 and Block 50, Lot 2

For the Department of Engineering and Department of Water and Sewer Utilities.

**WHEREAS**, Broad Street Urban Renewal, LLC (the “Entity”) has received approval from the City of Newark (the “City”) to construct two hundred ninety-nine (299) residential units and associated site amenities, including driveways and parking (the “Project”) for the property located at 349-377 Broad Street and 379-397 Broad Street, Newark, New Jersey 07104 and identified on the Official Tax Map of the City of Newark, as Block 451, Lot 2 and Block 50, Lot 2 (the “Property”); and

**WHEREAS**, there are existing stairs on the Property that encroach into the public right of way; and

**WHEREAS**, the City maintains certain underground water and sewer mains, which currently exist beneath the Property and for which the City has an existing utility easement reservation pursuant to Ordinance 6TB adopted by the Newark Municipal Council on October 2, 1957; and

**WHEREAS**, Newark Municipal Council is desirous of the Entity proceeding with the Project and requires a Hold Harmless Agreement with the Entity for the benefit of the City of Newark and authorizing a Hold Harmless for the benefit of the Entity in the event the City must repair or replace the City’s water and sewer main during the development by the Entity.

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

1. The Municipal Council supports the construction of the Project, two hundred ninety-nine (299) residential units and associated site amenities, including driveways and parking, located at 349-377 Broad Street and 379-397 Broad Street, Newark, New Jersey 07104 and known on the Official Tax Map of the City of Newark, as Block 451, Lot 2 and Block 50, Lot 2 (“Property”), by Broad Street Urban Renewal, LLC (“Entity”).
2. Since there are existing stairs on the Property that encroach into the public right of way and underground water and sewer mains beneath the Property, the City of Newark (“City”) requires the Entity to enter into a Hold Harmless Agreement for the benefit of the City in order for the construction of the Project to proceed.

3. The Mayor of the City of Newark and/or his designee, the Business Administrator and/or the Director of the Department of Water and Sewer are authorized to enter into and execute a Hold Harmless Agreement with Broad Street Urban Renewal, LLC in the event the City has to make repairs or replace the water and/or sewer mains at that location.
4. A copy of the executed Hold Harmless Agreement shall be filed in the Office of the City Clerk.

### **STATEMENT**

This Resolution is to approve the execution of a Hold Harmless Agreement because of an existing encroachment for the benefit of the City of Newark during the construction of two hundred ninety-nine (299) residential units and associated site amenities, including driveways and parking located at 349-377 Broad Street and 379-397 Broad Street, Newark, New Jersey 07104 and identified on the Official Tax Map of the City of Newark, as Block 451, Lot 2 and Block 50, Lot 2 by Broad Street Urban Renewal, LLC. Also, authorizing a Hold Harmless for the benefit of the Entity in the event the City must repair or replace the City's water and/or sewer main during the development by the Entity.