



## Legislation Text

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File #: 14-0517, Version: 1

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**AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF THE PROPERTY AND/OR CERTAIN RIGHTS IN THE PROPERTY OWNED BY THE CITY OF NEWARK LOCATED AT RESERVOIR ROAD, WOODLAND PARK, NEW JERSEY AND IDENTIFIED ON THE OFFICIAL TAX MAP OF WOODLAND PARK AS BLOCK 113, LOT 3.03 (DESIGNATED BY NJDOT AS PARCEL 74B AND PARCEL E74A) TO THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, FOR THE SUM OF (\$94,000.00) NINETY-FOUR THOUSAND DOLLARS.**

No Action Taken, June 18, 2014

**WHEREAS**, the City of Newark, through the Department of Water and Sewer Utilities, owns real property located at Reservoir Road, Woodland Park, New Jersey and identified on the official tax map of Woodland Park as Block 113, Lot 3.03 (the "City Property"); and

**WHEREAS**, the State of New Jersey, Department of Transportation (the "NJDOT") has advised the City that the NJDOT intends to undertake a construction project in order to make improvements to Route 46 in and around Woodland Park and that it is necessary for the NJDOT to acquire certain rights in the City Property in order to make these improvements; and

**WHEREAS**, specifically, the NJDOT has advised the City that the NJDOT must acquire the following rights in the City Property: (i) a fee taking of 15,899 square feet as shown on the Parcel Map for Parcel 74B; (ii) a permanent slope easement of 3,368 square feet as shown on the Parcel Map for Parcel 74B; (iii) a temporary construction easement of 14,201 square feet as shown on the Parcel Map for Parcel 74B for a 12 month period; (iv) a drainage easement of 294 square feet as shown on the Parcel Map for Parcel E74A; (v) a ditch easement of 667 square feet as shown on the Parcel Map for Parcel E74A; and (vi) two temporary site mitigation work areas containing 2,431 square feet as shown on the Parcel Map for Parcel E74A (collectively, the "City Property Rights"); and

**WHEREAS**, the NJDOT obtained an appraisal determining that the fair market value of the City Property Rights is \$94,000.00 and served this appraisal upon the City; and

**WHEREAS**, the NJDOT also provided the City with a letter offering to acquire the City Property Rights from the City for the sum of \$94,000.00 (the appraised value of these rights) and indicating that if these rights could not be acquired through voluntary sale, that the NJDOT would institute condemnation proceedings in order to acquire these rights; and

**WHEREAS**, the NJDOT's offer letter also indicated that if the NJDOT determines that it is necessary to extend the term of the temporary construction easement on the City Property beyond 12 months, the NJDOT will compensate the City for this extension in the sum of \$600.00 per month (to be paid semi-annually); and

**WHEREAS**, the City has determined that it is in the public interest to accept the NJDOT's offer to acquire the City Property Rights for the sum of \$94,000.00 (plus a payment of \$600.00 per month, paid semi-annually, in the event that the temporary construction easement is extended beyond its 12 month term); and

**WHEREAS**, the Municipal Council wishes to authorize the Mayor and the Acting Director of the Department of Economic and Housing Development to execute an Agreement of Sale with the NJDOT regarding the conveyance of the City Property Rights and to authorize the Acting Director of the Department of Economic and Housing Development to thereafter execute any and all legal documents necessary to effectuate the sale and conveyance of the City Property Rights from the City to the NJDOT.

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

1. The Municipal Council hereby authorizes the sale of the following rights in real property owned by the City located at Reservoir Road, Woodland Park, New Jersey and identified on the official tax map of Woodland Park as Block 113, Lot 3.03 (Designated by NJDOT as Parcel 74B and Parcel E74A) to the State of New Jersey, Department of Transportation (the "NJDOT") for the sum of \$94,000.00: (i) a fee taking of 15,899 square feet as shown on the Parcel Map for Parcel 74B; (ii) a permanent slope easement of 3,368 square feet as shown on the Parcel Map for Parcel 74B; (iii) a temporary construction easement of 14,201 square feet as shown on the Parcel Map for Parcel 74B for a 12 month period; (iv) a drainage easement of 294 square feet as shown on the Parcel Map for Parcel E74A; (v) a ditch easement of 667 square feet as shown on the Parcel Map for Parcel E74A; and (vi) two temporary site mitigation work areas containing 2,431 square feet as shown on the Parcel Map for Parcel E74A (collectively, the "City Property Rights").

2. The Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, are hereby authorized to execute an Agreement of Sale with the NJDOT, in the form attached hereto, regarding the conveyance of the City Property Rights from the City to the NJDOT.

3. The Acting Director of the Department of Economic and Housing Development is hereby authorized to execute any and all legal documents necessary to effectuate the sale and conveyance of the City Property Rights from the City to the NJDOT so long as the form of all such documents is approved by Corporation Counsel.

4. The Acting Director of the Department of Finance is hereby directed to deposit all funds received from the NJDOT for the conveyance of the City Property Rights to the NJDOT in the following manner:

(a) Ninety (90) percent of the sale proceeds shall be deposited into the Community and Economic Development Dedicated Trust Fund established under City Resolution No. 7RG110685; and

(b) Ten (10) percent of the sale proceeds shall be deposited in the City's Affordable Housing Trust Fund established under City Ordinance 6PhS&FF062106.

5. A copy of this Ordinance and any agreements authorized herein shall be placed on file with the City Clerk's Office by the Acting Director of the Department of Economic and Housing Development.

6. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This Ordinance authorizes the sale of the following rights in real property owned by the City located at Reservoir Road, Woodland Park, New Jersey and identified on the official tax map of Woodland Park as Block 113, Lot 3.03 to the State of New Jersey, Department of Transportation (the "NJDOT") for the sum of \$94,000.00: (i) a fee taking of 15,899 square feet as shown on the Parcel Map for Parcel 74B; (ii) a permanent slope easement of 3,368 square feet as shown on the Parcel Map for Parcel 74B; (iii) a temporary construction easement of 14,201 square feet as shown on the Parcel Map for Parcel 74B for a 12 month period; (iv) a drainage easement of 294 square feet as shown on the Parcel Map for Parcel E74A; (v) a ditch easement of 667 square feet as shown on the Parcel Map for Parcel E74A; and (vi) two temporary site mitigation work areas containing 2,431 square feet as shown on the Parcel Map for Parcel E74A (collectively, the "City Property Rights"). This Ordinance also authorizes the Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development, to execute an Agreement of Sale with the NJDOT regarding the conveyance of the City Property Rights and authorizes the Acting Director of the Department of Economic and Housing Development to execute any and all legal documents necessary to effectuate the sale and conveyance of the City Property Rights from the City to the NJDOT so long as the form of all such documents is approved by Corporation Counsel.