



## Legislation Text

---

File #: 19-0730, Version: 1

---

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

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

**Type of Service:** Accepting a Gift

**Gift:** To provide physical interventions which consist of a temporary, modular system of platforms, seats, tables, and planters and a series of solar lights mounted on mobile bases and related maintenance services

**Purpose:** To activate Washington Park with modular non-permanent physical improvements and related maintenance to facilitate event programming for the 2019 outdoor season

**Entity Name:** Audible, Inc.

**Entity Address:** 1 Washington Park, Newark, New Jersey 07102

**Gift Value:** \$200,000.00 to \$300,000.00

**City Contribution:** \$0.00

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

**Contract Period:** May 1, 2019 through October 31, 2019

**Additional Information:**

**WHEREAS**, Audible, Inc. (hereinafter "Audible"), proposes to activate Washington Park (hereinafter the "Park") with modular, non-permanent physical improvements to the Park to facilitate special event programming in the Park during the 2019 outdoor season; and

**WHEREAS**, Audible proposes to transform the current condition of the Park by temporarily creating a new sensory-rich experience that will encourage people to come to and stay in the Park and enjoy the outdoors; and

**WHEREAS**, Audible is gifting the physical interventions, with an estimated value of Two Hundred Thousand Dollars to Three Hundred Thousand Dollars and Zero Cents (\$200,000.00 to \$300,000.00), and related maintenance services, to the City of Newark and may seek additional private-sector funding; and

**WHEREAS**, the intent of this effort is to encourage broad use of one of Newark's finest public parks - Washington Park - by neighborhood residents, employees, visitors to Newark Museum and Public Library, and all Newark residents; and

**WHEREAS**, pursuant to Local Public Contracts Law, N.J.S.A. 40A:5-29, a local unit is authorized and empowered to accept bequests, legacies and gifts made to it and is empowered to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift provided, however, that such bequest, legacy, or gift shall not be put to any use which is inconsistent with the laws of the State of New Jersey and the United States of America; and

**WHEREAS**, Audible fully understands and agrees that they are not entitled to receive any

direct benefit from the City of Newark in exchange for its gift; and

**WHEREAS**, the Department of Recreation, Cultural Affairs and Senior Services desires to accept the gift of physical interventions, pursuant to N.J.S.A. 40A:5-29.

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

1. The Mayor and/or his designees, the Business Administrator and/or the Director of the Department of Recreation, Cultural Affairs and Senior Services, are authorized, pursuant to N.J.S.A. 40A:5-29, to execute the Memorandum of Understanding (“MOU”) and accept the gift of physical interventions, which consist of a temporary, modular system of platforms, seats, tables, and planters and a series of solar lights mounted on mobile bases with an estimated value of Two Hundred Thousand Dollars to Three Hundred Thousand Dollars and Zero Cents (\$200,000.00 to \$300,000.00) and related maintenance services.
2. No municipal funds will be expended for the acceptance of this gift. Only usual and customary park maintenance and refuse disposal is required by the City of Newark.
3. The MOU shall commence on May 1, 2019 and terminate on October 31, 2019. The City of Newark and Audible agree and understand that the City of Newark and Audible intend to, but are not obligated to, negotiate and execute a subsequent agreement at the end of the term of this MOU, that includes additional roles and responsibilities with respect to the Park.
4. The MOU 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 Mayor, and/or his designee, the Business Administrator and/or the Director of the Department of Recreation, Cultural Affairs and Senior Services to enter into a Memorandum of Understanding and accept a gift from Audible Inc., 1 Washington Park, Newark, New Jersey 07102, of physical interventions which consist of a temporary, modular system of platforms, seats, tables, and planters and a series of solar lights mounted on mobile bases with an estimated value of Two Hundred Thousand Dollars to Three Hundred Thousand Dollars and Zero Cents (\$200,000.00 to \$300,000.00), and related maintenance services, with no municipal funds to be expended.