



## Legislation Text

File #: 16-0199, Version: 1

**Dept/ Agency:** Economic & Housing Development

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

**Type of Service:** Pass Through Agreement

**Purpose:** Amend Pass-through agreement with The Trust for Public Land for construction of Newark Riverfront Park to extend the term through June 30, 2017.

**Entity Name:** The Trust for Public Land

**Entity Address:** 20 Community Place, Morristown, New Jersey 07960

**Grant Amount:** \$1,525,000.00

**Funding Source:** State of New Jersey, Urban Enterprise Zone Authority

**Total Project Cost:**

**City Contribution:** N/A

**Other Funding Source/Amount:**

**Contract Period:** Extend the term of contract from September 1, 2009 through June 30, 2017

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale (X) Grant ( ) Sub-recipient ( ) n/a

**List of Property:**

**(Address/Block/Lot/Ward)**

Block 2025, Lots 1 and 2; Block 2026, Lots 7, 19, and 22; Block 2027, Lot 2; Block 2028, Lots 1 and 2; Block 2029, Lots 1, 7, 21, and 22; Block 171, Lots 1, 6 and 8 a/k/a Newark Riverfront Park (East Ward)

**Additional Information:**

Application for funding authorized by Resolution 7RI 011806

Funds accepted by Resolution 7Rr 041906 (2/8/06-2/28/07)

Amend terms of Agreement and authorize reallocation of funds Resolution 7R3-b(S) 051308 (3/1/07-2/28/10)

Amend Scope of Services and allocate funds of \$1,525,000.00 for construction of park facilities Resolution 7R1-k(S) 090209 (3/1/10-2/28/11)

Pass through Agreement with TPL authorized by Resolution 7R3-b 121609 (9/1/09-2/29/11)

First Amended Pass through Agreement with TPL authorized by Resolution 7R3-a(S) 032211 (3/1/11-2/28/13)

Second Amended Pass through Agreement with TPL authorized by Resolution 7R3-g (AS) 052213 (3/1/13-2/28/14)

Third Amended Pass Through Agreement with TPL authorized by Resolution 7R3-a 091714 (3/1/14-2/28/15)

No Additional City Funds Required

Balance is \$350,116.28

**WHEREAS**, pursuant to Resolution 7Rr, adopted April 19, 2006, the City of Newark's Municipal Council ("City") authorized the Mayor and/or the Business Administrator to accept project funding in the amount of \$2,410,000.00 from the New Jersey Urban Enterprise Zone Authority ("UEZA") from its Urban Enterprise Zone Assistance Fund, pursuant to N.J.S.A. 52:27H-88, *et seq.*, and enter into and execute a Contract with the UEZA ("UEZA Contract") for the Joseph Minish Passaic Riverfront Park, Phase 1, also known as Newark Riverfront Park, Project #06-98 (the "Project"); and

**WHEREAS**, the Trust for Public Land (“TPL”), located at 20 Community Place, 2<sup>nd</sup> Floor, Morristown, New Jersey 07960, a national non-profit organization dedicated to conserving land for recreation and open space purposes, is working with the City to design a portion of Newark Riverfront Park, within the area just west of the Jackson Street Bridge to Oxford Street, on land owned by the City, The County of Essex, New Jersey, and the New Jersey Department of Transportation (“Project Area”), through its Parks for People-Newark Program; and

**WHEREAS**, pursuant to Resolution 7R3-b, adopted December 16, 2009, the Municipal Council authorized the Mayor and/or the Business Administrator and the Director of the Newark Office of the Urban Enterprise Zone to enter into and execute a Pass Through Agreement with TPL for park construction at Newark Riverfront Park, as outlined in the UEZA Contract for the Project, for the period to commence on September 1, 2009 and terminating on February 28, 2011, for a total amount of \$1,525,000.00; and

**WHEREAS**, pursuant to Resolution 7R3-a (S) adopted on March 22, 2011, the Mayor and/or the Business Administrator, and the Director of the Newark Office of the Urban Enterprise Zone were authorized to amend the contract by extending the contract expiration to February 28, 2013, and were authorized to enter into a First Amended Pass Through Agreement TPL; and

**WHEREAS**, pursuant to Resolution 7R3-g (AS) adopted on May, 22, 2013, the Mayor, the Business Administrator, and the Director of the Newark Office of the Urban Enterprise Zone were authorized to amend the contract by extending the contract expiration to February 28, 2014, and were authorized to enter into a Second Amended Pass Through Agreement TPL; and

**WHEREAS**, pursuant to Resolution 7R3-a adopted on September 17, 2014, the Mayor and/or the Business Administrator, and the Director of the Newark Office of the Urban Enterprise Zone, were authorized to amend the contract by extending the contract expiration to February 28, 2015, and were authorized to enter into a Third Amended Pass Through Agreement with TPL; and

**WHEREAS**, the City desires to enter into and execute a Fourth Amended Pass Through Agreement with TPL, to extend the expiration date of the Pass Through Agreement from February 28, 2015 to June 30, 2017, to provide additional time to complete the Phase II of the Project.

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

1. The Mayor and/or his designee, the Business Administrator, and/or the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute a Fourth Amended Pass Through Agreement with Trust for Public Land (“TPL”), 20 Community Place, 2<sup>nd</sup> Floor, Morristown, New Jersey 07960, to extend the expiration date of the Pass Through Agreement from February 28, 2015 to June 30, 2017, to allow TPL to complete Phase II of the Project, with no additional funds required.
2. This resolution is ratified from February 28, 2015, until the date that this resolution is authorized by the Newark Municipal Council.
3. This resolution and a fully executed copy of the Fourth Amended Pass Through

Agreement shall be filed with the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.

4. This project does not require the use of additional funds and all other terms and conditions contained in the Pass Through Agreement authorized pursuant to Resolution 7R3-b, adopted December 16, 2009, shall remain in full effect and in accordance with the law.

#### **Statement**

This Resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator, and/or the Deputy Mayor/Director of the Department Housing and Economic Development, to enter into and execute a Fourth Amended Pass Through Agreement with the Trust for Public Land ("TPL"), 20 Community Place, 2<sup>nd</sup> Floor, Morristown, New Jersey 07960, for construction of Newark Riverfront Park Phase II for the purpose of extending the expiration date of the Pass Through Agreement from February 28, 2015 to June 30, 2017, to provide additional time to complete the Project.