



Legislation Text

File #: 23-1027, Version: 1

Dept/ Agency: Economic & Housing Development

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

Type of Service: Pass Through Agreement

Purpose: To provide for Phase III redevelopment of Jessie Allen Park.

Entity Name: The Trust for Public Land

Entity Address: 60 Park Place, Suite 901, Newark, New Jersey 07102

Contract Amount: \$3,400,000.00

Funding Source: Capital Budget

Contract Period: August 6, 2008 through December 31, 2024

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

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

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

Additional Information:

This Resolution is the Seventh Amendment with the Trust for Public Land and the City of Newark to provide for the completion of Phase III redevelopment of Jesse Allen Park and the New Jersey Department of Environmental Protection requirements for project closeout, pursuant to the approved Remedial Action Plan.

Whereas, pursuant to Resolution 7R1-Bh(AS), adopted on August 6, 2008, the City of Newark (the "City") executed and entered into an Agreement with The Trust for Public Land ("TPL"), 60 Park Place, Newark, New Jersey 07102, for funding in an amount not to exceed \$2,100,000.00 for equipment, materials, supplies, and services related to the rehabilitation, improvement, and renovation of Jesse Allen Park ("Park"), for the period commencing on August 6, 2008 and terminating on December 31, 2009 ("Agreement"); and

WHEREAS, pursuant to said Agreement, TPL and the City agreed that the development of Jesse Allen Park was to be completed in 3 phases: Phase I (park entry, pedestrian corridors, basketball court, tennis courts, skate park, landscaping, lighting, and site furnishings), Phase II (park entry, pedestrian corridors, basketball courts, playground, lighting, sports lighting, landscaping, and site furnishings), and Phase III (multi-use synthetic turf athletic field); and

WHEREAS, pursuant to Resolution 7R1-a(S), adopted on December 22, 2009, the City executed and entered into a First Amended Agreement with TPL for additional funding in the amount of \$1,300,000.00 for total funding in the amount of \$3,400,000.00, and to extend the time to complete the Park, for a period commencing on August 6, 2008 and terminating on August 31, 2011; and

WHEREAS, pursuant to Resolution 7R1-f, adopted on September 8, 2011, the City executed and entered into a Second Amended Agreement with TPL for additional time for redevelopment of the Park, resulting from delays associated with the approval of a Remedial Action Plan with the New Jersey Department of Environmental Protection, extending the term of the agreement through August 31, 2012; and

WHEREAS, pursuant to Resolution 7R1-g, adopted on December 19, 2012, the City executed and entered into a Third Amended Agreement with TPL, for additional time for redevelopment of the Park, extending the term of the agreement through August 31, 2013; and

WHEREAS, pursuant to Resolution 7R1-c, adopted on August 6, 2014, the City executed and entered into a Fourth Amended Agreement with TPL, for additional time for redevelopment of the Park, extending the term of the agreement through January 31, 2015; and

WHEREAS, pursuant to Resolution 7R11-a, adopted on May 10, 2018, the City executed and entered into a Fifth Amended Agreement (inadvertently mislabeled as the Fourth Amendment) with TPL extending the term of the agreement through June 30, 2020, and incorrectly extending the grant amount by \$850,000.00 from \$3,400,000.00 to \$4,250,000.00; and

WHEREAS, pursuant to Resolution 7R11-a(s) adopted on July 14, 2021, the City executed and entered into a Sixth Amended Agreement with TPL, correcting the errors in Resolution 7R11-a, adopted on May 10, 2018, by correcting the total amount of the grant to \$3,400,000.00, correcting the numbering of previous amendments, and extending the term of the agreement through December 31, 2022; and

WHEREAS, TPL and the City have nearly completed Phase III redevelopment of Jesse Allen Park and additional time is needed for final closeout and to complete New Jersey Department of Environmental Protection requirements for project closeout; and

WHEREAS, the City is committed to working with TPL to ensure the redevelopment of Jesse Allen Park is successful and completed pursuant to the approved Remedial Action Plan; and

WHEREAS, the total of the grant remains \$3,400,000, of which \$2,567,962.42 was expended in Phases I and II and a balance of \$832,037.58 remains to be used for the closeout of Phase III; and

WHEREAS, the parties wish to amend the terms of Agreement between the City and TPL to extend the term of the agreement such that it terminates no later than December 31, 2024;

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

1. The Mayor and/or his designee, and the Director of the Department of Recreation, Cultural Affairs and Senior Services are hereby authorized to enter into and execute a Seventh Amended Agreement with the Trust for Public Land, 60 Park Place, Suite 901, Newark, New Jersey 07102, for the redevelopment of Jesse Allen Park, extending the term of the Agreement, which was originally executed September 22, 2008, pursuant to Resolution 7R1-BH(AS) adopted on August 6, 2008, with a term commencing upon adoption of said resolution and expiring December 31, 2009, and extended multiple times pursuant to authorization from the Newark Municipal Council by way of resolution, to December 31, 2024 ("Agreement").
2. The Agreement is hereby ratified from January 1, 2023 to the date of adoption of this Resolution.

3. All other terms and conditions of the Agreement, authorized by the Newark Municipal Council pursuant to Resolution 7R1-bh(AS), adopted on August 6, 2008, as amended by the First Amended Agreement pursuant to Resolution 7R1-A(S), adopted on December 22, 2009, by the Second Amended Agreement pursuant to Resolution 7R1f adopted on September 8, 2011, by the Third Amended Agreement pursuant to Resolution 7R1-g, adopted on December 19, 2012, by the Fourth Amended Agreement pursuant to Resolution 7R1-c, adopted on August 6, 2014, the Fifth Amended Agreement pursuant to Resolution 7R11-a, adopted on May 10, 2018 (inadvertently mislabeled as the Fourth Amendment); and by the Sixth Amended Agreement pursuant to Resolution 7R11-a(s), adopted on July 14, 2021, remain the same.
4. The Director of the Department of Recreation, Cultural Affairs and Senior Services shall file a fully executed copy of the Seventh Amended Agreement herein authorized in the Office of the City Clerk.

STATEMENT

This Resolution authorizes the Mayor and/or his designee and the Director of the Department of Recreation, Cultural Affairs and Senior Services, to enter into and execute a Seventh Amended Agreement with the Trust for Public Land, 60 Park Place, Suite 901, Newark, New Jersey 07102, for the redevelopment of the Jesse Allen Park, extending the terms of the Agreement for a period commencing on August 6, 2008 and terminating no later than December 31, 2024.