



Legislation Text

File #: 08-0840, Version: 1

FORM 2-5,000 20 lb. Bond

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NO.-1 R 6 Date of Adoption AUG -6 ifjtji

Dept./ Agency: Department of Administration/ Office of the Business Administrator

Ratifying () Authorizing (4) Amending ()

Type of Service: Agreement

Purpose: Rehabilitation, improvement and renovation of Jesse Allen Park

Entity Name(s): Trust for Public Land

Address: 20 Community Place, Morristown, New Jersey 07960 Allocation Amount: Not to exceed: \$2,100,000.00

Contract Period: Upon adoption through December 31, 2009 Contract Basis: Agreement

Additional Comments: N/A

Approved as to Form an

Council Member

Legality on Basis of Facts Set Forth

Corporation Counsel

1?CoLM.A." presents the following Resolution:

WHEREAS the City of Newark has identified that its parks are in need of rehabilitation, renovation, and redevelopment, which will improve the quality of life of its citizens, continue to foster economic growth and development, and improve the City's aging infrastructure; and WHEREAS, through enacting N.J.S.A. 40:12-20 et seq., the State of New Jersey recognizes the needs of municipalities to enter into agreements to rehabilitate, improve, and maintain their parks, and thus authorizes municipalities to establish mutually beneficial partnerships, through an agreement, with nonprofit organizations that will result in municipal parks that are better maintained, operated, and improved for the use and enjoyment of the public; and

WHEREAS, the Trust for Public Land ("TPL"), a national nonprofit organization dedicated to conserving land for recreation and open space purposes, is partnering with the City of Newark to rehabilitate Jesse Allen Park, Block 2583, Lot 44, also known as, 41-57 Avon Avenue, a City-owned park located in Newark's Central Ward (the "Site"), through its Parks for People Newark program; and

WHEREAS, TPL is engaged in an effort and commitment to raise philanthropic dollars from public and private sources to fund the renovation of parks throughout the City, and in particular, Jesse Allen Park; and

WHEREAS, TPL estimates that the total cost of the design and construction of Jesse Allen Park to be \$6,854,882.13; and

WHEREAS, N.J.S.A. 40:12-21 defines "improvement" as meaning, but not necessarily limited to, construction, reconstruction, stabilization, repair, rehabilitation, renovation, restoration of a park or park facility, building, structure, infrastructure, or feature; and

WHEREAS, N.J.S.A. 40:12-23 allows a municipality to provide the partnering nonprofit organization with equipment, materials, supplies, or services to assist with the municipal park maintenance, operation, or improvements; and

WHEREAS, this Agreement is not subject to the requirements or provisions of Local Public Contract Law pursuant to N.J.S.A. 40:12-28(b); and

WHEREAS, TPL has provided the City with a Final Schematic Plan detailing the development of recreational facilities that will comprise the renovation of Jesse Allen Park in three (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

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WHEREAS, the Mayor, Business Administrator, and the Newark Municipal Council have determined that it is in the best interest of the City of Newark to assist in the improvement, development, and construction of Jesse Allen Park in order to provide recreational facilities for school children, the community, and the citizens of the City of Newark, and have been able to allocate funding for the park's renovation, improvement, and construction in the amount of \$2,100,000.00 from the capital budget. The balance of \$4,754,882.13 shall be provided by public grants awarded to the City and mutual private fund raising by the City and TPL; and

WHEREAS, the Mayor, the Business Administrator, and the Director of the Department of Engineering have determined that it is in the best interests of the City to allocate funding in the amount of \$2,100,000.00 to further the redevelopment and renovation of Jesse Allen Park; and WHEREAS, the City of Newark wishes to enter into an Agreement with the Trust for Public Land, 20 Community Place, Morristown, NJ 07960 to provide the services that will accomplish the renovation, rehabilitation, and improvement of Jesse Allen Park for an amount not to exceed \$2,100,000.00, commencing upon the date of adoption of this authorizing resolution and terminating no later than December 31, 2009;

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

1. The Mayor, the Business Administrator, and the Director of the Department of Engineering are hereby authorized to enter into and execute an Agreement with the Trust for Public Land, 20 Community Place, Morristown, NJ 07960, and have allocated an amount not to exceed \$2,100,000.00 for the equipment, materials, supplies and services related to the rehabilitation, improvement, and renovation of Jesse Allen Park for the period commencing upon the date of adoption of this authorizing resolution and terminating no later than December 31, 2009.

2. Attached hereto is a Certification of Funds from the Director of Finance which states that the City has legally appropriated funds for the

purpose set for hereinabove in. A copy of the certification of funds shall be filed in the Office of the City Clerk along with the original Resolution by the Business Administrator.

3. Pursuant to N.J.S.A. 40A:5-16, there shall be no advance payment to the Trust for Public Land from the grant.

4. There shall be no amendment to the Agreement without approval by the Newark Municipal Council.

5. A copy of the executed Agreement herein authorized shall be filed in the Office of the City Clerk by the Business Administrator.

6. This resolution shall take effect immediately. STATEMENT

This resolution authorizes the Mayor, Business Administrator, and Director of the Department of Engineering to enter into and execute an Agreement with the Trust for Public Land, 20 Community Place, Morristown, NJ 07960, and have allocated an amount not to exceed \$2,100,000.00 for the equipment, materials, supplies and services related to the rehabilitation, improvement, and renovation of Jesse Allen Park for the period commencing upon the date of adoption of this authorizing resolution and terminating no later than December 31, 2009.

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE

Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member
Amador J...,-				Payne				Rice	1../'"	Z
Gonzalezl-		AB) f				..Reara.--		
James f				Quintana. Vice Pres.						
				Ramos t /				Crump. Pres.		...^

st Indicates Vote AB - Absent NV 4itt Voting

City Clerk
meetin o the Municipi l Co 1 of the City of Newark, NJ.,

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President of the Council

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This Resolution when adopted must remain in the custody of the City Clerk. Certified copies are available.