



Legislation Text

File #: 17-2201, Version: 1

Dept/ Agency: Economic and Housing Development

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

Type of Service: Private Sale/Redevelopment

Purpose: Redevelopment into a convenience store

Entity Name: 7-Eleven, Inc., a Texas Corporation

Entity Address: 3200 Hackberry Road, Irving, Texas 75063

Sale Amount: \$306,000.00

Cost Basis: () \$0.00 PSF (X) Negotiated () N/A () Other:

Assessed Amount: \$306,000.00

Appraised Amount: \$0.00

Contract Period: Construction to commence no later than 90 days after closing and be completed no later than 24 months after closing

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

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

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

List of Property:

(Address/Block/Lot/Ward)

295 Lyons Avenue/Block 3051/Lot 24/South Ward

297-299 Lyons Avenue/Block 3051/Lot(s) 25,26/South Ward

301 Lyons Avenue/Block 3051/Lot 27/South Ward

303 Lyons Avenue/Block 3051/Lot 28/South Ward

119-121 Aldine Street/Block 3051/Lot(s) 22,23/South Ward

Additional Information:

WHEREAS, the purpose of this resolution is to approve the execution of a Redevelopment Agreement which provides for the sale and redevelopment of the following City-owned properties:

<u>ADDRESS</u>	<u>WARD</u>	<u>BLOCK</u>	<u>LOT(S)</u>	<u>SIZE</u>	<u>SQ. FEET</u>
295 Lyons Avenue	South	3051	24	25X102	2,550
297-299 Lyons Avenue	South	3051	25,26	50X104.4	5,220
301 Lyons Avenue	South	3051	27	25X106	2,650
303 Lyons Avenue	South	3051	28	25X108	2,700
119-121 Aldine Street	South	3051	22,23	50X100	5,000

(the "Property")

Total Purchase Price: \$306,000.00, subject to certain credits; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), authorizes municipalities to participate in the redevelopment

and improvement of areas that are in need of redevelopment or rehabilitation; and

WHEREAS, in order to continue to stimulate the reinvigoration of the City, by way of Ordinance 6S&Fd(S) adopted on August 17, 2005, the Municipal Council of the City of Newark approved the Amendment of the South Ward Redevelopment Plan, as same may be further amended from time to time (the "Redevelopment Plan"), for an area within which the Property is located; and

WHEREAS, the Redevelopment Plan is applicable to the Property, however, pursuant to the City's Zoning Ordinance, the Redevelopment Plan comprises "overlay zoning" consistent with the holding in Weeden v. City Council of Trenton; and

WHEREAS, in order to stimulate the reinvigoration of the City, by Resolution 7Rdo (A.S.) adopted by the Municipal Council on June 15, 2005, the entire City of Newark was designated as an area in need of rehabilitation pursuant to the Act; and

WHEREAS, pursuant to N.J.S.A. 40A: 12A-8(f), the City is authorized to arrange or contract with redevelopers for the planning, re-planning, construction or undertaking of any redevelopment project; and

WHEREAS, as a result of certain tax foreclosure proceedings, the City acquired that real property shown on the official tax map of the City of Newark as Block 3051, Lots 24, 25, 26, 27 and 28, more commonly known as 295-303 Lyons Avenue, and Block 3051, Lots 22 and 23, more commonly known as 119-121 Aldine Street, located in the South Ward of the City (the "Properties"); and

WHEREAS, the City has determined that the Property is not needed for any public use and that redevelopment of the Property will contribute to the reinvigoration of the City; and

WHEREAS, 7-Eleven, Inc. (the "Redeveloper") has expressed an interest in purchasing the Properties and redeveloping it as a 24-hour convenience store; and

WHEREAS, the City has determined that the Redeveloper appears to possess the proper qualifications, financial resources, and capacity to implement and complete the redevelopment of the Properties in accordance with all applicable laws, rules and regulations; and

WHEREAS, the City believes that the environmental remediation, if necessary, and redevelopment of the Properties is in the vital and best interests of the City and that it promotes the health, safety, morals and welfare of the City's residents and as such, the City wishes to convey the Properties to the Redeveloper for a Purchase Price of Three Hundred Six Thousand Dollars and Zero Cents (\$306,000.00), subject to certain credits, and to enter into an Agreement for the Sale of Land and Redevelopment (the "Redevelopment Agreement") with Redeveloper in the form attached hereto.

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

1. The Mayor and/or a designee of the Mayor and the Acting Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute a

Redevelopment Agreement in the form attached hereto as Exhibit A, with 7-Eleven, Inc., 3200 Hackberry Road, Irving, Texas 75063.

2. The Acting Director of the Department of Economic and Housing Development is hereby authorized to effectuate certain business terms and conditions related to the Property and may enter into access and right of entry agreements, and any related documents which may be appropriate and necessary in order to effectuate the sale of the Properties and the terms and conditions of the Redevelopment Agreement, all in forms which shall be subject to the review and approval of the City of Newark Acting Corporation Counsel, including the Deed for the Properties in substantially the form attached to the Redevelopment Agreement.
3. Any other prior legislation authorizing or intended to authorize the sale and/or redevelopment and/or rehabilitation of the Properties is hereby rescinded.
4. The Redeveloper shall have thirty (30) days from the date this resolution is certified by the Office of the City Clerk to execute the attached Redevelopment Agreement and return same to the Department of Economic and Housing Development. Should the Redeveloper fail to execute and return the attached Redevelopment Agreement within this thirty (30) day time period, the authorization provided by this resolution shall be null and void, unless the Acting Director of the Department of Economic and Housing Development agrees in writing to extend this thirty (30) day time period.
5. The Director of Finance is hereby authorized to receive proceeds of the sale and to deposit same as follows: ninety percent (90%) of the sale proceeds shall be deposited into the Community and Economic Development Dedicated Trust Fund established under Resolution 7Rg, November 6, 1985; and ten percent (10%) of the sale proceeds shall be placed in the City's Affordable Housing Trust Fund established under City Ordinance 6S&Ff, June 21, 2006, for the purpose of preserving low and moderate income affordable housing.
6. The Redeveloper shall be required to comply with the City of Newark's Minority Set-Aside Ordinance 6S&Fd, April 5, 1995; the City of Newark's Affirmative Action Plan 7Rbp, March 1, 1995; Federal Executive Order 11246, (as amended by Executive Orders 11375 and 12086) regarding the award of goods and services contracts; and the City of Newark Ordinance 6SF-c June 17, 2015, Amending Title II, Administration, Chapter 4, General Administration, Section 20, Hiring of Newark Residents by Contractors or Other Persons Doing Business with the City of Newark and Section 21, Newark Residents' Employment Policy, by Adding Language to Address Immediate Short Term Training and Employment Opportunities and Repealing the Newark Employment Commission, a copy of which is attached to the Redevelopment Agreement (the "First Source Ordinance"), all as may be applicable. In addition, the Redeveloper has agreed to ensure that thirty percent (30%) of all contractors, subcontractors and suppliers shall be Newark-based companies.
7. Construction is to commence no later than 90 days after closing and be completed no later than 24 months after closing.
8. The Acting Director of the Department of Economic and Housing Development shall place a copy of the executed Redevelopment Agreement and all such other executed documents and agreements authorized by this resolution on file in the Office of the City Clerk.

9. This resolution shall take effect immediately.

STATEMENT

This Resolution authorizes the execution of a Redevelopment Agreement in substantially the form attached hereto, in order to provide for: (i) the sale of the Properties to Redeveloper for a purchase price in the amount of Three Hundred Six Thousand Dollars and Zero Cents (\$306,000.00), subject to certain credits; (ii) the environmental remediation of the Property, as necessary; and (iii) the redevelopment of the Properties into a 24-hour convenience store in accordance and compliance with all applicable Federal, State and Local laws, rules and regulations.

<u>ADDRESS</u>	<u>WARD</u>	<u>BLOCK</u>	<u>LOT(S)</u>	<u>SIZE</u>	<u>SQ. FEET</u>
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Total Purchase Price: \$306,000.00, subject to certain credits.