



Legislation Text

File #: 17-1384, Version: 1

ORDINANCE OF THE CITY OF NEWARK, NEW JERSEY AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF THE REAL PROPERTY LOCATED AT 50-58 JERSEY STREET AND 937-941 RAYMOND BOULEVARD, BLOCK 170, LOTS 1 AND 20 AND BLOCK 171, LOT 40, EAST WARD, NEWARK, NEW JERSEY NOW OWNED BY 50-58 JERSEY STREET, LLC.

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, in accordance with N.J.S.A. 40:61-1, the City of Newark (the “City”) may, acquire, lay out, improve, embellish and maintain, lands by gift, purchase, devise, or condemnation, any lands suitable for public parks, squares, open spaces, playgrounds, beaches, water fronts and places for public resort and recreation; and

WHEREAS, in 2010, through an agreement with the Trust for Public Land, the City began construction of Newark Riverfront Park (the “Park”) along the Passaic River between Brill and Jackson Streets in the East Ward; and

WHEREAS, portions of the Park has been open to the public since 2012; and

WHEREAS, the City has determined to expand the footprint of the existing Park; and

WHEREAS, the City is proceeding with the acquisition of various parcels or portions thereof along the Passaic River between Jackson Street in the East Ward and Bridge Street in the Central Ward; and

WHEREAS, the City has engaged the firm of James Corner Field Operations to design a world-class waterfront park, which includes, among other amenities, a walkway, landscaping, a beach area, a theater, dog walks, and other recreational facilities; and

WHEREAS, the County of Essex (the “County”) has expressed interest in partnering with the City in the acquisition, development, and operation of certain amenities adjacent to, and serving patrons of, the Park; and

WHEREAS, specifically, the County, has requested that the City acquire a fee simple interest in parcels located adjacent to the proposed park area to be used for the purpose of the construction and operation of a public facility to enhance the enjoyment of the adjacent park, and other amenities by the County at a later date as funding becomes available; and

WHEREAS, an appraiser retained by the City, Value Research Associates, determined the

value of the Property to be \$2,390,000.00, as more fully set forth in the Appraisal entitled "Summary Appraisal Report- Remainder Portion- Value Newark Riverfront Park 50-58 Jersey Street, 937-941 Raymond Boulevard, Block 170, Lots 1 and 20, and Block 171, Lot 40, City of Newark, Essex County, New Jersey," dated July 1, 2017, which is attached hereto as Exhibit "B" and made a part of this Ordinance; and

WHEREAS, the Municipal Council wishes to authorize the Mayor and/or the Deputy Mayor/Director of the Department of Economic and Housing Development to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, and if negotiated purchase cannot be effectuated, to initiate eminent domain actions to acquire title to the Property under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., so long as all legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain actions to completion and to arrange for the City to satisfy any judgments entered in such eminent domain proceedings.

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

Section 1. The appraisal of the Property prepared by the firm of Value Research Associates, LLC on behalf of the City is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$2,390,000.00.

Section 2. The City shall reserve the sum of \$2,390,000.00 from the Capital Project Expenditure Account. The funds in this amount will be available from: Fund Code: 045, Department Code: 16G, Project/Division Code:16C00, Account Code:94710, Budget Reference: B2016. There will be no expenditure of funds authorized until a Certification of Funds is obtained and a copy filed with the City Clerk

Section 3. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of a portion of 50-58 Jersey Street and 937-941 Raymond Boulevard, Newark, New Jersey, commonly known as Block 170, Lots 1 and 20 and Block 171, Lot 40, (the "Property") in the amount not to exceed the appraised value of the Property for the purpose of developing a public park or for any other public use as permitted by law.

Section 4. The Mayor and/or his designee, the Deputy Mayor/Director of Economic and Housing Development are hereby authorized to execute any and all agreements and other legal documents necessary, subject to the approval of the Acting Corporation Counsel to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the aforementioned property, land sale contracts and deeds for the sale of the Property and Verified Complaints, Declarations of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

Section 5. In conjunction with said acquisition, the City hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any

administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the City.

Section 6. In conjunction with said acquisition, the City hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste. The City is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the City's ownership.

Section 7. The Mayor, Municipal Council, and Deputy Mayor/Director of Economic and Housing Development and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 8. A copy of the Ordinance and any agreements authorized herein shall be placed on file with the City Clerk's Office by the Deputy Mayor/Director of the Department of Economic and Housing Development.

Section 9. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 10. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication

STATEMENT

This Ordinance authorizes the acquisition by purchase or condemnation of an easement on a portion of 50-58 Jersey Street and 937-941 Raymond Boulevard, Newark, New Jersey, commonly known as Block 170, Lots 1 and 20, and Block 171, Lot 40, on the Official Tax Map and Tax Duplicates of the City in the amount not to exceed the appraised value of \$2,390,000.00 as of May 1, 2017.