



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 21-0826, Version: 1

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

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

**Type of Service:** Private Sale/Redevelopment

**Purpose:** To authorize the execution of a Redevelopment Agreement with Brandywine Acquisition and Development, LLC, as the designated redeveloper of the Evidence Storage Facility as part of a public-private partnership entered into under the Local Redevelopment and Housing Law.

**Entity Name:** Brandywine Acquisition and Development, LLC

**Entity Address:** 2 Ponds Edge Drive, Chadds Ford, Pennsylvania 19317

**Sale Amount:** \$264,100.00

**Cost Basis:** ( ) PSF (X) Negotiated ( ) N/A ( ) Other:

**Assessed Amount:** \$667,900.00

**Appraised Amount:** \$0.00

**Contract Period:** Project Schedule attached as Exhibit D

**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)

775 Bergen Street/Block 2711/Lot 1/South Ward

777 Bergen Street/Block 2711/Lot 2/South Ward

779-781 Bergen Street/ Block 2711/Lots 3 and 4/South Ward

783 Bergen Street/Block 2711/Lot 6/South Ward

785 Bergen Street/Block 2711/Lot 7/South Ward

787-791 Bergen Street/Block 2711/Lot 8/South Ward

793 Bergen Street/Block 2711/Lot 11/South Ward

178 W. Runyon Street/Block 2711/Lot 53/South Ward

174-176 W. Runyon Street/Block 2711/Lot 54/South Ward

172 W. Runyon Street/Block 2711/Lot 56/South Ward

### Additional Information:

**WHEREAS**, on June 15, 2005, pursuant to Resolution 7Rdo(AS), the entire City of Newark was designated an "area in need of rehabilitation" as defined by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., including the properties located at 775 Bergen Street, 777 Bergen Street, 779-781 Bergen Street, 783 Bergen Street, 785 Bergen Street, 787-791 Bergen Street, 793 Bergen Street, 178 W. Runyon Street, 174-176 W. Runyon Street and 172 W. Runyon Street, also known as Block 2711, Lots 1, 2, 3, 4, 6, 7, 8, 11, 53, 54 and 56 (the "Property"); and

**WHEREAS**, on January 5, 2017, pursuant to Ordinance 6PSF-b, the City of Newark adopted the South Bergen Street Redevelopment Plan (the "Redevelopment Plan"), as last amended by Ordinance 6PSF-e on April 7, 2020, which governs the zoning of the Property; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8(g), the City may convey property to a Redeveloper “without public bidding and at such prices and upon such terms as it deems reasonable”; and

**WHEREAS**, the City of Newark is in need of an Evidence Storage Facility for the use by its Public Safety Department; and

**WHEREAS**, based upon the City’s review of the Project and other such information, the City has determined that the Redeveloper possesses the proper qualifications and requisite financial resources and capacity to acquire the Property and to develop it as a state-of-the-art Evidence Storage Facility in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the Redevelopment Agreement and the South Bergen Street Redevelopment Plan; and

**WHEREAS**, the Redeveloper has expressed an interest in acquiring the Property from the City, and redeveloping the Property as a state-of-the-art Evidence Storage Facility as set forth in greater detail in the description of the Project herein, to be operated by the City, consistent with plans and specifications which have been developed in consultation with the City’s Director of Public Safety, as same may be consistent with the Redevelopment Plan and formally approved by the Municipal Council, all of which shall be in compliance with the terms and conditions of this Redevelopment Agreement (the “Project”); and

**WHEREAS**, pursuant to this Resolution, the City seeks to designate Brandywine Acquisition and Development, LLC as the redeveloper of the Property that is to constitute the state-of-the-art Evidence Storage Facility site subject to entry of a Redevelopment Agreement; and

**WHEREAS**, it is intended that in conjunction with this Redevelopment Agreement, the Parties shall enter into a Capital Sale/Leaseback Agreement of the type contemplated by N.J.S.A. 40A:12A-8(g) (“Capital Sale/Leaseback Agreement”) for the City’s exclusive use of the Project for a term of twenty (20) years, which such term shall commence twenty six (26) months from the date of Closing, as defined in the Redevelopment Agreement; and

**WHEREAS**, the form of Capital Sale/Leaseback Agreement, attached hereto as **Exhibit A**, shall provide for, *inter alia*, the construction and operation of the Project, including construction specifications and the rent payments to be made by the City for the City’s exclusive occupancy of the Property; and

**WHEREAS**, companion legislation will be presented to the Municipal Council at the same meeting this legislation is presented to introduce an ordinance authorizing the Capital Sale/Leaseback Agreement with Brandywine Acquisition and Development, LLC for the Property in the same form as set forth in **Exhibit A**; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8 and N.J.S.A. 40A:12A-9, the City has negotiated a Redevelopment Agreement with Brandywine Acquisition and Development, LLC as the designated redeveloper of the Evidence Storage Facility site consisting of the Property.

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

1. The terms and conditions contained in the Redevelopment Agreement by and between the City of Newark and Brandywine Acquisition and Development, LLC, the designated redeveloper of the Evidence Storage Facility site consisting of the properties located at 775 Bergen Street, 777 Bergen Street, 779-781 Bergen Street, 783 Bergen Street, 785 Bergen Street, 787-791 Bergen Street, 793 Bergen Street, 178 W. Runyon Street, 174-176 W. Runyon Street and 172 W. Runyon Street, also known as Block 2711, Lots 1, 2, 3, 4, 6, 7, 8, 11, 53, 54 and 56 (the "Property"), are hereby accepted and approved.
2. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized and directed to execute the Redevelopment Agreement, in the form attached hereto and made part hereof upon adoption of this Resolution by the Municipal Council.
3. The Deputy Mayor/Director of the Department of Economic and Housing Development may enter into access and right of entry agreements and related agreements, which may be necessary to effectuate the sale of the Property and the terms and conditions of the Redevelopment Agreement, all in forms subject to the approval of the City's Corporation Counsel.
4. Upon the adoption of this Resolution and the parties execution of the Redevelopment Agreement, Brandywine Acquisition and Development, LLC, shall hereby be formally deemed as the designated redeveloper of the Property for all purposes under the law.
5. The Deputy Mayor/Director of the Department of Economic and Housing Development is authorized to execute a Bargain and Sale Deed to the Redeveloper for the Property. Said Deed conveying title to the Property to the Redeveloper shall be approved as to the form and legality by the City's Corporation Counsel, and attested to and acknowledged by the City Clerk.
6. This Resolution shall become effective immediately pursuant to law.

### **STATEMENT**

This Resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a Redevelopment Agreement with Brandywine Acquisition & Development, LLC as the designated developer of the Evidence Storage Facility site to be located at 775 Bergen Street, 777 Bergen Street, 779-781 Bergen Street, 783 Bergen Street, 785 Bergen Street, 787-791 Bergen Street, 793 Bergen Street, 178 W. Runyon Street, 174-176 W. Runyon Street and 172 W. Runyon Street, also known as Block 2711, Lots 1, 2, 3, 4, 6, 7, 8, 11, 53, 54 and 56 on the official Tax Map of the City of Newark. (South Ward)