



## Legislation Text

File #: 18-0214, Version: 1

**Dept/ Agency:** Recreation, Cultural Affairs and Senior Services

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

**Type of Service:** Contract with Sub-recipient

**Purpose:** To amend Resolution 7R1-g and Authorize the Completion of "Phase III" of the renovation of Jesse Allen Park

**Entity Name:** The Trust for Public Land

**Entity Address:** 20 Community Place, Suite 7, Morristown, New Jersey 07960

**Grant Amount:** \$850,000.00, remaining funds available, for a Total Amount not to Exceed \$4,250,000.00

**Funding Source:** Capital Budget

**Contract Period:** August 31, 2013 through June 30, 2020

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

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

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

**List of Property:** Jesse Allen Park

**(Address/Block/Lot/Ward)**

41-55 Avon Avenue/ Block 2583/Lot 44/Central Ward

**Additional Information:**

Previously adopted Resolutions include 7R1-bh(as) adopted on August 6, 2008, 7R1-a(s) adopted on December 20, 2009, 7R1-f adopted on September 8, 2011, and 7R1-g adopted on December 19, 2012.

**WHEREAS**, pursuant to Resolution 7R1-bh(AS), adopted on August 6, 2008, the City of Newark (the "City") executed and entered into an agreement (hereinafter, "Agreement") with The Trust for Public Land ("TPL"), 20 Community Place, Morristown, New Jersey 07960, for funding in an amount not to exceed Two Million One Hundred Thousand Dollars and Zero Cents (\$2,100,000.00) for equipment, materials, supplies, and services related to the rehabilitation, improvement, and renovation of Jesse Allen Park, for the period commencing on August 6, 2008 and terminating on December 31, 2009; and

**WHEREAS**, pursuant to said Agreement, TPL and the City agreed that the development of Jesse Allen Park was to be completed in three 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**, TPL and the City have completed Phase I and Phase II of the rehabilitation of Jesse Allen Park; 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 One Million Three Hundred Thousand Dollars and Zero Cents (\$1,300,000.00) for total funding in the amount of Three Million Four Hundred Thousand Dollars and Zero Cents (\$3,400,000.00) and extended time for the redevelopment of Jesse Allen 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 of Newark executed and entered into a Second Amended Agreement with TPL for additional time for the redevelopment of the Jesse Allen Park, extending the term of the agreement from August 6, 2008 through August 31, 2012; and

**WHEREAS**, pursuant to Resolution 7R1-g, adopted on December 19, 2012, the City of Newark executed and entered into a Third Amended Agreement with TPL to extend the term of the agreement from August 31, 2012 through August 31, 2013, in order to complete the Phase II and Phase III redevelopment of Jesse Allen Park due to construction delays arising from ongoing environmental site investigation and the associated review and approval of a remedial action plan by the New Jersey Department of Environmental Protection; and

**WHEREAS**, TPL and the City have completed Phase I and Phase II of the redevelopment of Jesse Allen Park; and

**WHEREAS**, additional time is needed in order to complete the Phase III redevelopment of Jesse Allen Park; and

**WHEREAS**, the City of Newark is committed to working with TPL to ensure the redevelopment of Jesse Allen Park is successful and completed pursuant to an approved remedial action plan; and

**WHEREAS**, the parties wish to amend the terms of the Agreement between the City and TPL to extend the term of the agreement such that it terminates no later than June 30, 2020, using the remaining funds of the Capital Grant in the amount of Eight Hundred Fifty Thousand Dollars and Zero Cents (\$850,000.00).

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

1. The Agreement between the City of Newark and The Trust for Public Land, 20 Community Place, Suite 7, Morristown, New Jersey 07960, authorized by the Newark Municipal Council pursuant to Resolution 7R1-bh(AS), adopted on August 6, 2008, and subsequently amended through Resolution 7R1-a(S), adopted on December 22, 2009, Resolution 7R1-f, adopted on September 8, 2011, and Resolution 7R1-g, adopted on December 19, 2012, is hereby further amended to extend the term of the Agreement from August 6, 2008 through June 30, 2020.
2. The Agreement between the City and The Trust for Public Land is also amended to increase the Agreement's funding amount by an additional Eight Hundred Fifty Thousand Dollars and Zero Cents (\$850,000.00), for a total amount not to exceed Four Million Two Hundred Fifty Thousand Dollars and Zero Cents (\$4,250,000.00).

3. The Mayor and/or his designee, the Business Administrator and/or the Mayor's designee, the Director of the Department of Recreation, Cultural Affairs and Senior Services are hereby authorized to enter into and execute a Fourth Amended Agreement with the Trust for Public Land, 20 Community Place, Suite 7, Morristown, New Jersey 07960, for the redevelopment of Jesse Allen Park, for a period commencing on August 6, 2008 and terminating no later than June 30, 2020, using the remaining funds of the Capital Grant in the amount of Eight Hundred Fifty Thousand Dollars and Zero Cents (\$850,000.00).
4. This Fourth Amended Agreement is hereby ratified from August 31, 2013 to the date of this authorizing resolution.
5. Except as amended herein and hereby, 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 and Resolution 7R1-a (S), adopted on December 22, 2009, by the Second Amended Agreement and Resolution 7R1-f and adopted on September 8, 2011, and by the Third Amended Agreement and Resolution 7R1g, adopted on December 19, 2012, remain the same and in full force and effect. In the event that there is any conflict between the provisions of the Agreement, the First Amended Agreement, the Second Amended Agreement, the Third Amended Agreement, and this Fourth Amended Agreement, then the provisions of this Fourth Amended Agreement shall control.
6. The Director of the Department of Recreation, Cultural Affairs and Senior Services shall file in the Office of the City Clerk a fully executed copy of the Fourth Amended Agreement herein authorized.

#### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designees, the Business Administrator, the Director of the Department of Recreation, Cultural Affairs and Senior Services, to enter into and execute a Fourth Amended Agreement with The Trust for Public Land, 20 Community Place, Suite 7, Morristown, New Jersey 07960, for the redevelopment of Jesse Allen Park, extending the term of the agreement for a period commencing on August 6, 2008 and terminating no later than June 30, 2020.