



## Legislation Details (With Text)

**File #:** 13-1776      **Version:** 1      **Name:** Lease - Tichenor Park - NJDOT  
**Type:** Ordinance      **Status:** Filed  
**File created:** 9/17/2013      **In control:** Mayor's Office  
**On agenda:** 10/2/2013      **Final action:** 11/18/2013  
**Title:** AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF NEWARK, LESSEE, AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, LESSOR, TO LEASE THE PROPERTY LOCATED IN THE MUNICIPALITY OF THE CITY OF NEWARK, IN THE COUNTY OF ESSEX, MORE COMMONLY KNOWN AS BLOCK 903, LOT 1 OR TICHENOR PARK, AND FORMERLY KNOWN AS SKULLS FIELD (THE "PROPERTY OR LEASED PREMISES"), FOR THE SUM OF ONE DOLLAR (\$1.00) PER MONTH, FOR A TERM OF TEN (10) YEARS, COMMENCING ON THE DATE THE LESSOR FULLY COMPLETES ANY AND ALL CONSTRUCTION ON THE PROPERTY OR THE FIRST OF THE MONTH UPON FULL EXECUTION OF THIS LEASE BY LESSOR AND LESSEE, WHICHEVER IS LATER.  
No Action Taken 8-b (as) 100213  
No Action Taken 8-b 101013  
No Action Taken 6F-b 102313  
Deferred 6PSF-i 110713  
Due to advertising, Public Hearing will be held at the November 18, 2013, Regular Meeting.

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
11/18/2013	1	Municipal Council	Close on Public Hearing and Adopt	Pass
11/7/2013	1	Municipal Council	maintained on public hearing and deferred to Special meeting	Pass
10/29/2013	1	Municipal Council	Adopt on First Reading	Pass
10/23/2013	1	Municipal Council	no action taken	
10/17/2013	1	Municipal Council	Advance to First Reading	Pass
10/10/2013	1	Municipal Council	no action taken	
10/2/2013	1	Municipal Council	no action taken	

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF NEWARK, LESSEE, AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, LESSOR, TO LEASE THE PROPERTY LOCATED IN THE MUNICIPALITY OF THE CITY OF NEWARK, IN THE COUNTY OF ESSEX, MORE COMMONLY KNOWN AS BLOCK 903, LOT 1 OR TICHENOR PARK, AND FORMERLY KNOWN AS SKULLS FIELD (THE "PROPERTY OR LEASED PREMISES"), FOR THE SUM OF ONE DOLLAR (\$1.00) PER MONTH, FOR A TERM OF TEN (10) YEARS, COMMENCING ON THE DATE THE LESSOR FULLY COMPLETES ANY AND ALL CONSTRUCTION ON THE PROPERTY OR THE FIRST OF THE MONTH UPON FULL EXECUTION OF THIS LEASE BY LESSOR AND LESSEE, WHICHEVER IS LATER.**

**No Action Taken 8-b (as) 100213**

**No Action Taken 8-b 101013**

**No Action Taken 6F-b 102313**

**Deferred 6PSF-i 110713**

**Due to advertising, Public Hearing will be held at the November 18, 2013, Regular Meeting.**

**WHEREAS**, The State of New Jersey has acquired the property located in the municipality of the City of Newark, in the County of Essex, more commonly known as Block 903, Lot 1; and as more particularly described and outlined in red on a map entitled "General Property Parcel Map", Route 21, Section 2, Parcels 31 & 31Y, marked as Exhibit A to a Lease Agreement, which is attached hereto and made a part of this Ordinance, being and intended to be the same property acquired by the State of New Jersey by condemnation authorized on October 11, 1932 and by agreement on December 11, 1942 (the "Property" or "Leased Premises"). The Deed acquiring the Property was recorded with the Essex County Clerk on December 24, 1942, in Deed Book Z100Pages 463-465; and

**WHEREAS**, The State of New Jersey Department of Transportation ("NJDOT"), 1035 Parkway Avenue, Trenton, New Jersey 08625, has agreed to undertake all Construction, as the term is defined in the Lease Agreement, of the Property which is required to transform the Property from an 'active' park to a 'passive' park; and

**WHEREAS**, The City of Newark, located at 920 Broad Street, Newark, New Jersey, 07102, wishes to enter into a lease agreement with the NJDOT, in the form attached hereto and made a part of this Ordinance, to lease the Property from the NJDOT for an initial period of ten (10) years at a cost of one dollar per month, for the benefit of the citizens of the City of Newark, New Jersey; and

**WHEREAS**, the leasing of the Property shall be entered into pursuant to N.J.S.A. 27:12-1 and N.J.S.A 27:7-21.4, and shall be governed by the Laws of the State of New Jersey.

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

**Section 1.** The Mayor and/or his designee, the Business Administrator, are hereby authorized to enter into and execute a Lease Agreement in the form attached hereto, on behalf of the City of Newark, 920 Broad Street, Newark, New Jersey, 07102 ("Lessee"), and The New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625, ("Lessor"), to lease the Property, as described above, in order to provide the citizens of Newark, New Jersey, and the wider public, with an additional park and green space, which can be used for relaxation and recreation purposes.

**Section 2.** This Lease Agreement shall be for a term commencing on the date the Lessor fully completes any and all Construction on the Property or the first of the month upon full execution of this Lease by Lessor and Lessee, whichever is later.

**Section 3.** The Lessee shall as consideration for the said Lease Agreement, pay the Lessor the sum of \$1.00 per month on the first day of each month, for a period of ten years.

**Section 4.** The Lessee shall as consideration for the said Lease Agreement, pay the Lessor the sum of \$1.00 per month on the first day of each month, for a period of ten years.

**Section 5.** The City is authorized to enter into this Lease Agreement pursuant to N.J.S.A. 27:12-1 and N.J.S.A 27:7-21.4.

**Section 6.** A copy of both the fully executed Lease Agreement and this Ordinance shall be permanently filed in the Office of the City Clerk by the Business Administrator.

Section 7. If any provision of this Ordinance is deemed unlawful by a Court and is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 8. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This Ordinance authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a Lease Agreement in the form attached hereto, on behalf of the City of Newark, ("Lessee"), and The New Jersey Department of Transportation, ("Lessor"), to lease the property located in the municipality of the City of Newark, in the County of Essex, more commonly known as Block 903, Lot 1 or Tichenor Park, and formerly known as Skulls Field, for a sum of \$1.00 per month on the first day of each month, for a period of ten years, commencing on the date the Lessor fully completes any and all Construction on the Property or the first of the month upon full execution of this Lease by Lessor and Lessee, whichever is later.