



Legislation Details (With Text)

File #: 14-1844 **Version:** 1 **Name:** TBG Columbia LLC
Type: Ordinance **Status:** Filed
File created: 10/31/2014 **In control:** Municipal Council and City Clerk
On agenda: 4/15/2015 **Final action:** 5/20/2015
Title: ORDINANCE AMENDING ORDINANCE 6PSF-D, ADOPTED JANUARY 5, 2012, AND AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE, THE DIRECTOR OF THE DEPARTMENT OF POLICE, TO ENTER INTO AND EXECUTE A FIRST AMENDED LEASE AGREEMENT AMENDING THE NAME OF THE LANDLORD FROM EM & D MANAGEMENT LLC, TO TBG COLUMBIA LLC FOR THE LEASE OF THE PREMISES COMMONLY KNOWN AS 750-756 SOUTH ORANGE AVENUE, NEWARK, NEW JERSEY 07106, STORE #756C, BLOCK 4031, LOT 5, AS WELL AS A SUBORDINATION, NONDISTURBANCE, ATTORNMENMENT AGREEMENT AND ESTOPPLE AGREEMENT FOR THE PERIOD ENDING DECEMBER 31, 2017, TO BE USED AS THE SOUTH ORANGE MINI PRECINCT.
Sponsors: Eddie Osborne, Mildred C. Crump
Indexes:
Code sections:

Date	Ver.	Action By	Action	Result
5/20/2015	1	Municipal Council	Close on Public Hearing and Adopt	Pass
5/6/2015	1	Municipal Council	Adopt on First Reading	Pass
4/15/2015	1	Municipal Council	Advance to First Reading	Pass

ORDINANCE AMENDING ORDINANCE 6PSF-D, ADOPTED JANUARY 5, 2012, AND AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE, THE DIRECTOR OF THE DEPARTMENT OF POLICE, TO ENTER INTO AND EXECUTE A FIRST AMENDED LEASE AGREEMENT AMENDING THE NAME OF THE LANDLORD FROM EM & D MANAGEMENT LLC, TO TBG COLUMBIA LLC FOR THE LEASE OF THE PREMISES COMMONLY KNOWN AS 750-756 SOUTH ORANGE AVENUE, NEWARK, NEW JERSEY 07106, STORE #756C, BLOCK 4031, LOT 5, AS WELL AS A SUBORDINATION, NONDISTURBANCE, ATTORNMENMENT AGREEMENT AND ESTOPPLE AGREEMENT FOR THE PERIOD ENDING DECEMBER 31, 2017, TO BE USED AS THE SOUTH ORANGE MINI PRECINCT.

WHEREAS, on January 5, 2012 the Municipal Council adopted Ordinance 6PSF-d authorizing a lease agreement between EM & D Management, LLC (Landlord) and the City of Newark, Department of Police (Tenant) for the premises located at 750-756 South Orange Avenue, Newark, New Jersey 07106, Store #756C, more commonly known as Block 4031, Lot 5 (the "Demised Premises"), pursuant to N.J.S.A. 40:60-25.51, for a five year term beginning on January 1, 2012 and ending on December 31, 2016, to be used as the South Orange Mini Precinct (the "Lease Agreement"); and

WHEREAS, on October 6, 2014 the Landlord advised the Tenant that it sold the above premises to TBG Columbia LLC, a New Jersey Limited Liability company with an address at 25-27 Washington Street, West Orange, New Jersey 07052, as evidenced by a deed recorded with the

Essex County Register's Office on July 30, 2014 in Book 12507, Page 1859 (a copy of the recorded deed is attached hereto and made a part of this resolution); and

WHEREAS, on November 11, 2014, the Landlord further provided the Tenant with a copy of an assignment agreement, dated July 16, 2014, whereby the Landlord assigned to TBG Columbia LLC all of its rights, title, interest and estate in and to the Lease Agreement, requesting that the City amend the Lease Agreement to change the name of the Landlord from EM & D Management LLC to TBG Columbia LLC; and

WHEREAS, the City agrees to the assignment and wishes to amend Ordinance 6PSF-d, adopted January 5, 2012, to change the name of the Landlord from EM & D Management LLC to TBG Columbia LLC; and

WHEREAS, the TBG Columbia LLC applied for a loan with Spencer Savings Bank, SLA and is requiring the City of Newark to enter into and execute a Subordination, Non-Disturbance, Attornment Agreement and an Estoppel Agreement pertaining to the Demised Premises, which the City has agreed to do.

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

1. That Ordinance 6PSF-d, adopted January 5, 2012, is hereby amended to change the name of the Landlord from EM & D Management LLC to TBG Columbia LLC for the lease of the premises commonly known as 750-756 South Orange Avenue, Newark, New Jersey 07106, STORE #756C, Block 4031, Lot 5 (the Demised Premises).
2. The Mayor and/or his designee, the Director of the Department of Police, is hereby authorized to enter into and execute a first amended lease agreement amending the name of the Landlord from EM & D Management LLC to TBG Columbia LLC, for the lease of the Demised Premises.
3. The Mayor and/or his designee, the Director of the Department of Police, is hereby authorized to enter into and execute a Subordination, Non-Disturbance and Attornment Agreement and an Estoppel Agreement pertaining to the Demised Premises.
4. A copy of the fully executed first amended lease agreement, the Subordination, Non-Disturbance and Attornment Agreement, the Estoppel Agreement and this ordinance shall be placed on file in the Office of the City Clerk by the Director of the Department of Police.
5. All other provisions of Ordinance 6PSF-d, adopted January 5, 2012 shall remain as adopted by the Newark Municipal Council in full force and effect, except as amended by this ordinance.
6. Should any section, paragraph, sentence or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared severable.
7. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends Ordinance 6PSF-d, adopted January 5, 2012, and authorizes the Mayor and/or his designee the Director of the Department of Police to enter into a first amended lease agreement amending the name of the Landlord from EM & D Management LLC to TBG Columbia LLC, for the lease of the premises commonly known as 750-756 South Orange Avenue, Newark, New Jersey 07106, STORE #756C, Block 4031, Lot 5, as well as a Subordination, Non-Disturbance and Attornment Agreement and an Estoppel Agreement pertaining to the Demised Premises.