



Legislation Details (With Text)

File #: 17-0174 **Version:** 2 **Name:** Open Eye Innovators, LLC

Type: Resolution **Status:** Adopted

File created: 1/28/2017 **In control:** Economic and Housing Development

On agenda: 5/23/2017 **Final action:** 6/21/2017

Title: Dept/ Agency: Economic and Housing Development
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Private Sale/Redevelopment
Purpose: Sale to RFQ Respondent to rehabilitate properties as rental or for-sale housing
Entity Name: Open Eye Innovators, LLC.
Entity Address: 60 Beverly Street, Newark, New Jersey 07108
Sale Amount: \$18,528.00
Cost Basis: ☒ \$4.00 PSF ☐ Negotiated ☐ N/A ☐ Other:
Assessed Amount: \$220,200.00
Appraised Amount: \$0.00
Contract Period: To be commenced within three (3) months and be completed within twelve (12) months from the transfer of ownership by the City.
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS
☐ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ
☒ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
List of Property:
(Address/Block/Lot/Ward)
246 South 20th Street/Block 1817/Lot 56/West Ward
362½ New Street/Block 429/Lot 20/Central Ward
Additional Information:
Total Square Footage = 4,632. X \$4.00 = \$18,528.00
Sale to RFQ respondent at prices set forth by Ordinance 6S&Fh adopted on April 4, 2004 establishing the minimum sale price of City-owned property.
Deferred 7R2-c (s) 052317

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/21/2017	2	Municipal Council	Adopt	Pass
5/23/2017	2	Municipal Council	Defer	Pass

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WHEREAS, the purpose of this resolution is to approve the sale and redevelopment of the following City-owned Properties located in the West and Central Ward of the City of Newark:

<u>ADDRESS</u>	<u>WARD</u>	<u>BLOCK</u>	<u>LOT</u>	<u>SIZE</u>	<u>SQ. FEET</u>
246 South 20 th Street	West	1817	56	25X100	2,500.
362½ New Street	Central	429	20	20X106.6	2,132.

Total Square Footage: 4,632.

Total Purchase Price: \$18,528.00 (\$4.00 per sf); and

WHEREAS, the City of Newark has determined that the above referenced City-owned Properties (the "Properties") are no longer needed for public use; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8(g), the City of Newark is proceeding with the redevelopment of the area and is conveying properties at such prices and upon such terms as it deems reasonable and said conveyance is made in conjunction with the applicable Redevelopment Plan, as amended; and

WHEREAS, the Municipal Council previously adopted Resolution 7Rdo(AS) on June 15, 2005, designating the entire City as an "area in need of rehabilitation" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"); and

WHEREAS, on August 17, 2005 the Municipal Council thereafter adopted Ordinance 6S&Fc (S) approving the Second Amendment to the West Ward Redevelopment Plan, and Ordinance 6S&Fe(S) approving the First Amendment to the Central Ward Redevelopment Plan, governing the redevelopment of City-owned properties located within the West and Central Wards, which includes the above-referenced Properties respectively; and

WHEREAS, the City received a letter of intent for the purchase and redevelopment of the Properties from Open Eye Innovators, LLC (the "Redeveloper"); and

WHEREAS, the Redeveloper, Open Eye Innovators, LLC, 60 Beverly Street, Newark, New Jersey 07108, has proposed to the City's Department of Economic and Housing Development to redevelop the properties to create rental or for-sale housing (the "Proposal"); and

WHEREAS, based upon the City's review of the request and other such information, the City has determined that the Redeveloper possesses the proper qualifications and requisite financial resources and capacity to acquire the Properties and to redevelop them in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the Agreement for the Sale of Land and Redevelopment, the form of which is attached hereto (the "Agreement"), and the West Ward and Central Ward Redevelopment Plans, as amended; and

WHEREAS, pursuant to the above-mentioned statutory authority, the Department of Economic and Housing Development has recommended that the City of Newark sell the Properties to Open Eye Innovators, LLC, whom is willing to purchase the Properties from the City, for the consideration of Eighteen Thousand, Five Hundred Twenty-Eight Dollars and Zero Cents (\$18,528.00) for the purpose of redeveloping said Properties in accordance with the requirements of N.J.S.A. 40A:12A-8 (g), the Agreement, and the West Ward and Central Ward Redevelopment Plans, as amended.

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

1. The Mayor and/or his designee and the Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute the Agreement for the Sale and Redevelopment of Land attached hereto with Open Eye Innovators, LLC, 60 Beverly Street, Newark, New Jersey 07108, for the private sale and redevelopment of the following Properties, for the following Purchase Price, in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the attached Agreement and the West Ward and Central Ward Redevelopment Plans, as amended:

<u>ADDRESS</u>	<u>WARD</u>	<u>BLOCK</u>	<u>LOT</u>	<u>SIZE</u>	<u>SQ. FEET</u>
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Total Square Footage: 4,632.

Total Purchase Price: \$18,528.00 (\$4.00 per sf)

2. Said Properties shall be sold to Open Eye Innovators, LLC, by private sale for the purpose of rehabilitating the abovementioned properties to create rental or for-sale housing.
3. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to effectuate certain business terms and conditions related to the Redevelopment Agreement annexed hereto and may enter into access and right of entry agreements and any related documents which may be necessary in order to effectuate the sale of the Properties and the terms and conditions of the Agreement, all in forms subject to the approval of the City of Newark Acting Corporation Counsel.
4. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to enter into a maximum of two (2) six (6) month extensions of any timeframe set forth in the Agreement, subject to full written disclosure of such extension(s) (in the form of a signed memorandum to be submitted to the Office of the City Clerk prior to adoption) to the Municipal Council of the City of Newark by the Deputy Mayor/Director of the

Department of Economic and Housing Development and the approval of the City of Newark Acting Corporation Counsel.

5. The Redeveloper shall be designated as the exclusive redeveloper of the Properties and any other prior legislation authorizing or intended to authorize the sale and/or redevelopment and/or rehabilitation of the Properties are hereby rescinded.
6. The Redeveloper shall have thirty (30) days from the date this resolution is certified by the Office of the City Clerk to execute the attached Agreement for the Sale and Redevelopment of Land and return same to the Department of Economic and Housing Development. Should the Redeveloper fail to execute and return the attached Agreement within this thirty (30) day time period, the authorization provided by this resolution shall be null and void, unless the Deputy Mayor/Director of the Department of Economic and Housing Development agrees in writing to extend this thirty (30) day time period.
7. The Director of Finance is hereby authorized to receive proceeds of the sale and to deposit same as follows: ninety (90) percent of the sale proceeds shall be deposited into the Community and Economic Development Dedicated Trust Fund established under Resolution 7Rg dated November 6, 1985; and ten (10) percent of the sale proceeds shall be placed in the City's Affordable Housing Trust Fund established under City Ordinance 6PS&Ff dated June 21, 2006, for the purpose of preserving low and moderate income affordable housing.
8. The Deputy Mayor/Director of the Department of Economic and Housing Development shall place a copy of the executed Agreement for the Sale and Redevelopment of Land, the Quitclaim Deed, and all such other executed agreements authorized by this resolution on file in the Office of the City Clerk.
9. The Redeveloper shall be required to comply with the City of Newark's Minority Set-Aside Ordinance 6S&Fd, dated April 5, 1995; the City of Newark's Affirmative Action Plan 7Rbp, dated March 1, 1995; Federal Executive Order 11246, (as amended by Executive Orders 11375 and 12086) regarding the award of goods and services contracts; and the City of Newark Ordinance 6PSF-c June 17, 2015, Amending Title II, Administration, Chapter 4, General Administration, Section 20, Hiring of Newark Residents by Contractors or Other Persons Doing Business with the City of Newark and Section 21, Newark Residents' Employment Policy, by Adding Language to Address Immediate Short Term Training and Employment Opportunities and Repealing the Newark Employment Commission, a copy of which is attached to the Agreement (the "First Source Ordinance"), all as may be applicable. In addition, the Redeveloper has agreed to ensure that 30% of all contractors, subcontractors and suppliers shall be Newark-based companies.
10. The redevelopment of the Properties shall be commenced within three (3) months and be completed within twelve (12) months from the transfer of ownership of the Properties by the City to the Redeveloper.
11. The project to be implemented by the Redeveloper shall conform to the City of Newark Design Guidelines, including standards for environmental sustainability and energy efficiency, as established by the Department of Economic and Housing Development. Additionally, the Redeveloper shall conduct any environmental investigation and remediation upon the Properties as may be necessary. Should the Redeveloper fail to diligently pursue the

redevelopment of the Properties, then the City, in its sole discretion, may exercise its Right of Reverter to transfer title to the Properties back to the City, in accordance with the terms and conditions of the Agreement and the deed.

12. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to execute a Quitclaim Deed to the Redeveloper for the Properties. Said Quitclaim Deed conveying title to the Properties to the Redeveloper shall be approved as to form and legality by the City's Acting Corporation Counsel and attested to and acknowledged by the City Clerk.

STATEMENT

This Resolution authorizes the Mayor and/or his designee and the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute an Agreement for the Sale and Redevelopment of Land with Open Eye Innovators, LLC, 60 Beverly Street, Newark, New Jersey 07108, for the private sale and redevelopment of the following Properties, for the following Purchase Price, in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the attached Agreement for the Sale and Redevelopment of Land and the West Ward and Central Ward Redevelopment Plans, as amended:

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