



## Legislation Details (With Text)

**File #:** 17-1263      **Version:** 1      **Name:** Identification of Mulberry Commons Property as Potential Replacement Land for Green Acres Diversions

**Type:** Resolution      **Status:** Adopted

**File created:** 6/23/2017      **In control:** Economic and Housing Development

**On agenda:** 8/2/2017      **Final action:** 8/2/2017

**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Resolution Identifying Property in the Area Commonly Known as Mulberry Commons as Potential Replacement Land for Green Acres Diversions  
Purpose: Resolution Identifying Property in the Area Commonly Known as Mulberry Commons as Potential Replacement Land for Green Acres Diversions as Required by N.J.A.C. 7:36-26.1.  
List of Property:  
(Address/Block/Lot/Ward)  
66-92 Edison Place/159/10.03/East  
98-126 Edison Place/159.01/11/East  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/2/2017	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the Legislature of the State of New Jersey has determined that it is in the public interest to preserve as much open space as possible in order to protect the quality of life for New Jersey residents; and

**WHEREAS,** the Legislature established the Green Acres Program in order to provide low interest loans and grants ("Green Acres Funds") to municipal and county governments for the acquisition and preservation of open space and recreational facilities; and

**WHEREAS,** the Legislature established the Office of Green Acres within the Department of

Environmental Protection (“NJDEP”) in order to carry out the goals and objectives of the Green Acres Program; and

**WHEREAS**, NJDEP has promulgated N.J.A.C. 7:36-1.1 *et seq.* (the “Green Acres Rules”) in order to establish the procedures by which the Office of Green Acres will administer the Green Acres Funds and ensure that lands purchased with Green Acres Funds, and all other municipal lands held for the purposes of recreation and conservation remain permanently in use for those purposes; and

**WHEREAS**, Green Acres Rules provide that any land that has been purchased with Green Acres Funds, or has been set aside by a municipality for use as open space or for recreation purposes in a municipality that has accepted Green Acres Funds (collectively, the “Green Acres Land”) may not be disposed of or diverted without approval from Green Acres; and

**WHEREAS**, as a condition of the disposal or diversion of Green Acres Land, pursuant to N.J.A.C. 7:36-26.1, a municipality shall compensate for that Green Acres Land with eligible replacement land and tree replacement, and/or monetary compensation at ratios set forth in the Green Acres Rules; and

**WHEREAS**, the Municipal Council seeks to facilitate the expansion of Newark Riverfront Park (the “Park”) to include approximately seventeen (17) additional acres of open space, including a waterfront walkway and other public amenities; and

**WHEREAS**, in order to facilitate the construction of the Park, it may be necessary to divert and/or dispose of portions of the City’s Green Acres Land; and

**WHEREAS**, the City is in the process of considering whether to use approximately three (3) acres of property in the area to be known as Mulberry Commons, more specifically those lots shown on the Tax Maps of the City of Newark as Block 159, Lot 10.03 and Block 159.01, Lot 11 as open space (the “Property”); and

**WHEREAS**, the City acquired the Property on July 7, 2016 from the Newark Housing Authority for a nominal consideration of Ten (10.00) Dollars and Zero Cents; and

**WHEREAS**, permitted uses for the Property are governed by the Downtown Core Redevelopment Plan, as amended, and include licensed casino or other gaming activities, office buildings, retail, parking lots or structures, hotels, multi-family residential buildings, and parks and public plazas; and

**WHEREAS**, the land was not purchased with Green Acres funds or any other funding method dedicated to recreation and conservation purposes; and

**WHEREAS**, the land is currently used as a surface parking lot; and

**WHEREAS**, the City intends that any future use of the land as parkland and any potential encumbrance by Green Acres restrictions resulting therefrom shall not affect the eligibility of the land as replacement land under the Green Acres Rules; and

**WHEREAS**, the City desires to identify Mulberry Commons as replacement land for future diversions and/or disposal of Green Acres Land pursuant to N.J.A.C. 7:36-26.10(d)(2)(ii)(3) prior to proceeding with designating and/or developing the property as a park.

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

1. The Municipal Council hereby declares that Block 159, Lot 10.03 and Block 159.01, Lot 11, also known as part of the future Mulberry Commons is identified and designated as replacement compensation lands for the potential diversion and/or disposal of any Green Acres Land(s) situated in the City of Newark, including but not limited to, such Green Acres Land(s) that will be diverted and/or disposed that relate in any way to the acquisition of parcels necessary for the Riverfront Park Project.
2. The Municipal Council further declares it may seek approval from NJDEP to bank any portion of Mulberry Commons not utilized as replacement land in connection with the Riverfront Park Project as future replacement compensation in accordance with N.J.A.C. 7:36-26.10(n).
3. A copy of this Resolution shall be provided to the New Jersey Department of Environmental Protection's Office of Green Acres, and shall be filed with the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.
4. This Resolution shall take effect immediately.

**STATEMENT**

This resolution identifies Properties in the area commonly known as Mulberry Commons as Potential Replacement Land for Green Acres Diversions.