



## Legislation Details (With Text)

**File #:** 18-0667      **Version:** 1      **Name:** Partnership Agreement -Devils Renaissance Development - Ironbound Ice Rink

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

**File created:** 4/27/2018      **In control:** Administration

**On agenda:** 5/4/2018      **Final action:** 5/4/2018

**Title:** Dept/ Agency: Administration/ Office of the Business Administrator  
Action: (X) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Partnership Agreement pursuant to N.J.S.A. 40:12-20  
Purpose: The rehabilitation, improvement, and renovation of the Ironbound Ice Rink, 226 Rome Street, Newark, New Jersey (East Ward)  
Entity Name: Devils Renaissance Development, LLC.  
Entity Address: 165 Mulberry Street, Newark, New Jersey 07102-3607  
Allocation Amount: Amount not to exceed \$5,500,000.00  
Funding Source: City of Newark - Bond Ordinance 6PSF-b adopted on April 19, 2017  
Contract Period: June 1, 2017 and terminating three (3) years from Project Completion  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a  
Additional Information:

**Sponsors:** Council of the Whole

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### Code sections:

Date	Ver.	Action By	Action	Result
5/4/2018	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS** the City of Newark (hereinafter "Newark") has identified that local parks are in need of rehabilitation, renovation, and redevelopment, which will improve the quality of life of its citizens, continue to foster economic growth and development, and improve the City's aging infrastructure; and

**WHEREAS** through Ordinance 6PSF-b April 19, 2017, the Mayor and Municipal Council of the City of Newark authorized the appropriation of Five Million Five Hundred Thousand Dollars (\$5,500,000.00) for renovations to the Ironbound Ice Rink, 226 Rome Street, Newark, New Jersey ("Ice Rink") for all work, labor, materials, and appurtenances necessary and suitable for such purposes; and

**WHEREAS**, through enacting *N.J.S.A. 40:12-20 et seq.*, the State of New Jersey recognizes the needs of municipalities to enter into agreements to rehabilitate, renovate, improve, and maintain their parks and recreational facilities, and thus authorizes municipalities to establish mutually beneficial partnerships, through an agreement, with organizations, either business entities or non-profit organizations, that will result in parks that are better maintained, operated, and improved for the use and enjoyment of the public; and

**WHEREAS**, Devils Renaissance Development, LLC ("DRD") 165 Mulberry Street, Newark, New Jersey 07102-3607, is an affiliate of the New Jersey Devils, a National Hockey League Team based in Newark, New Jersey and both are dedicated to the revitalization and economic growth of the City; and

**WHEREAS**, DRD was the New Jersey Devils affiliate that the City recognized as the original redeveloper for the Prudential Center Arena -the home arena for the New Jersey Devils. All construction undertaken in connection with the development of the site was done through Devils Renaissance Development LLC; and

**WHEREAS**, DRD and Newark desire to enter into an Agreement for the design, renovation, construction and overall improvement of the Ironbound Ice Rink (the "Project"); and

**WHEREAS**, DRD estimates that the total cost of the design, renovations and construction, including, but not limited to, equipment, materials, supplies, and services, for the Ironbound Ice Rink to be \$5,432,401.00 and DRD has provided Newark with its preliminary budget detailing the renovation and improvements of the Ironbound Ice Rink; and

**WHEREAS**, N.J.S.A. 40:12-21 defines "improvement" as meaning, but not necessarily limited to, construction, reconstruction, stabilization, repair, rehabilitation, renovation, restoration of a park or park facility, building, structure, infrastructure, or feature; and

**WHEREAS**, N.J.S.A. 40:12-23 allows municipalities to provide the partnering with business entities and/or nonprofit organizations, and provide them with equipment, materials, supplies, or services to assist with the municipal park maintenance, operation, or improvements; and

**WHEREAS**, this Agreement is not subject to the requirements or provisions of Local Public Contracts Law pursuant to N.J.S.A. 40:12-28(b); and

**WHEREAS**, the Mayor, Business Administrator, and the Newark Municipal Council have determined that it is in the best interest of the City of Newark to assist in the improvement, development, and construction of the Ironbound Ice Rink in order to provide recreational facilities for children, young adults, the community, and the citizens of the City of Newark, and have been able to allocate funding for the park's renovation, improvement, and construction in the amount of \$5,500,000.00 pursuant to Ordinance 6PSF-b April 19, 2017; and

**WHEREAS**, the Mayor and the Business Administrator have determined that it is in the best interests of the City to allocate funding to further the improvements to the Ironbound Ice Rink in the East Ward of Newark, including, but not limited to, improvements to be undertaken by DRD pursuant to the Agreement, and all work, labor, materials, and appurtenances necessary and suitable for such purposes; and

**WHEREAS**, the City of Newark wishes to enter into an Agreement with the DRD, to provide the services that will accomplish the renovation, rehabilitation, and improvement of the Ironbound Ice Rink for an estimated amount of \$5,432,401.00, not to exceed the authorized amount of \$5,500,000.00 commencing on June 1, 2017, and terminating three (3) years from Project Completion.

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

1. The Mayor and/or the Business Administrator are authorized to enter into and execute an Agreement with Devils Renaissance Development, LLC ("DRD") 165 Mulberry Street, Newark, New Jersey 07102-3607, for an estimated amount of \$5,432,401.00, not to exceed the authorized amount of \$5,500,000.00 commencing on June 1, 2017, and terminating three (3) years from Project Completion, for the rehabilitation, improvement, and renovation of the Ironbound Ice Rink, 226 Rome Street, Newark, New Jersey (East Ward) including Rink programming, partnership and initiatives.
2. The Mayor, Business Administrator and/or the Director of Recreation, Cultural Affairs and Senior Services are authorized to reimburse DRD its reasonable costs incurred in connection with programming DRD or its affiliate, undertakes for the City, solely from revenues generated by the use of the Ironbound Ice Rink.
3. Unless expressly prohibited by law, the Mayor and/or Business Administrator may grant DRD the right to brand the inside of the Ironbound Ice Rink, subject to the Mayor and/or Business Administrator's approval and revenues generated therefrom shall inure to the benefit of the City of Newark, less the cost incurred by DRD or its affiliates.
4. The Agreement may be extended by mutual consent of the parties, subject to Municipal Council approval.
5. The Municipal Council ratifies this Agreement from June 1, 2017 to the date of adoption of this authorizing resolution.
6. Attached hereto is a Certification of Funds from the Director of Finance which states that the City has legally appropriated funds in the amount of \$5,482,469.91 for the purpose stated herein. (Fund: 045; Dept17G; Division/Project: 17A20; Account # 94710; Budget Ref: B2017.) A copy of the Certification of Funds shall be filed in the Office of the City Clerk by the Business Administrator.
7. The Business Administrator shall file a copy of the executed Agreement herein authorized in the Office of the City Clerk.

8. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than 20 business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the State Comptroller dated May 7, 2008.

#### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or Business Administrator to enter into and execute an Agreement with Devils Renaissance Development, LLC, 165 Mulberry Street, Newark New Jersey 07102-3607, for an estimated amount of \$5,432,401.00, not to exceed the authorized amount of \$5,500,000.00, commencing on June 1, 2017, and terminating three (3) years from Project Completion for the rehabilitation, improvement, and renovation of the Ironbound Ice Rink, 226 Rome Street, Newark, New Jersey (East Ward).