



Legislation Details (With Text)

File #:	19-1305	Version:	1	Name:	Access Agreement (Easement) for Waterfront Associates, LLC
Type:	Ordinance	Status:		Adopted:	Adopted
File created:	8/7/2019	In control:		Economic and Housing Development:	Economic and Housing Development
On agenda:	8/20/2019	Final action:		9/5/2019:	9/5/2019
Title:	AN ORDINANCE TO APPROVE ACCESS EASEMENT AGREEMENT TO BLOCK 1, LOT 60 AND BLOCK 2, LOT 29, 932-948 mccarter highway and 950-964 mccarter highway, Newark, New Jersey 07102, FROM THE CITY OF NEWARK TO NEWARK WATERFRONT ASSOCIATES, LLC, 120 ALBANY STREET, NEW BRUNSWICK, NEW JERSEY 08901 AND SUBSEQUENT OWNERS IN INTEREST. (CENTRAL WARD)				
Sponsors:	Council of the Whole				
Indexes:					
Code sections:					

Date	Ver.	Action By	Action	Result
9/5/2019	1	Municipal Council	Close on Public Hearing and Adopt	Pass
8/20/2019	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE TO APPROVE ACCESS EASEMENT AGREEMENT TO BLOCK 1, LOT 60 AND BLOCK 2, LOT 29, 932-948 MCCARTER HIGHWAY AND 950-964 MCCARTER HIGHWAY, NEWARK, NEW JERSEY 07102, FROM THE CITY OF NEWARK TO NEWARK WATERFRONT ASSOCIATES, LLC, 120 ALBANY STREET, NEW BRUNSWICK, NEW JERSEY 08901 AND SUBSEQUENT OWNERS IN INTEREST. (CENTRAL WARD)

WHEREAS, pursuant to the Redevelopment Agreement dated December 19, 2017, between the City of Newark, a public body corporate and politic of the State of New Jersey (the “City”), and Newark Waterfront Associates, LLC, a New Jersey limited liability company (the “Redeveloper”) the parties intend the conveyance of certain real property in the City of Newark now or formerly designated as Block 1, Lots 30 and 46 with an address of 10-18 Passaic Place / 930 McCarter Highway, Newark, New Jersey 07102 (the “Redeveloper Property”); and

WHEREAS, the City owns certain real property in the City of Newark, New Jersey designated as Block 1, Lot 60 and Block 2, Lot 29, 932-948 McCarter Highway and 950-964 McCarter Highway (the “City Property”), which is currently improved with certain driveways and other improvements; and

WHEREAS, the Redeveloper intends to develop a mixed-use project and related site improvements on the Redeveloper Property (collectively, the “Project”), which may include, but shall not be limited to, a combination of surface parking, structured parking, retail use, office use, multi-family residential use and other commercial uses; and

WHEREAS, in accordance with the Redevelopment Agreement and the Newark’s River: Public Access & Redevelopment Plan adopted August 7, 2013, as amended, by that First Amendment to Newark’s River: Public Access & Redevelopment Plan adopted October 11, 2017, as

further amended by that Second Amendment to Newark's River: Public Access & Redevelopment Plan adopted February 27, 2018, and as further amended by that Third Amendment to Newark's River: Public Access & Redevelopment Plan adopted on April 3, 2019 (collectively, and as further amended from time to time, the "Redevelopment Plan"), vehicular and pedestrian access to the Project shall be via an access driveway or driveways located on the City Properties; and

WHEREAS, the Redeveloper desires to obtain an easement across portions of the City Properties for the purposes set forth herein, and the City is willing to grant to Redeveloper for the benefit of the Redeveloper Property an easement for such purpose, subject to the terms and conditions contained in this Agreement; and

WHEREAS, the parties acknowledge and agree that this Agreement is subject to approval by the New Jersey Department of Environmental Protection, Green Acres Program in accordance with the N.J.A.C. 7:36-26.

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

Section 1. The Access Easement Agreement for Block 1, Lot 60 and Block 2, Lot 29, 932-948 McCarter Highway and 950-964 McCarter Highway, in the form attached hereto as Exhibit A is hereby approved.

Section 2. The Mayor and/or his designee, the Acting Deputy Mayor/Director of the Department of Economic and Housing Development are each hereby authorized and directed to execute an Access Easement Agreement, in the form attached hereto as Exhibit A, for Block 1, Lot 60 and Block 2, Lot 29.

Section 3. The parties acknowledge and agree that this Access Easement Agreement is subject to approval by the New Jersey Department of Environmental Protection, Green Acres Program, in accordance with the N.J.A.C. 7:36-26.

Section 4. The Acting Deputy Mayor/Director of the Department of Economic and Housing Development shall place a copy of this Ordinance and the fully executed Access Easement Agreement on file in the Office of the City Clerk.

Section 5. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

Ordinance approving an Access Easement Agreement for Block 1, Lot 60 and Block 2, Lot 29, 932-948 McCarter Highway and 950-964 McCarter Highway, from the City of Newark to Newark Waterfront Associates, Inc., and subsequent owners in interest.