



## Legislation Details (With Text)

**File #:** 19-1711      **Version:** 1      **Name:** 131-133 Highland Ave LLC

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

**File created:** 10/29/2019      **In control:** Economic and Housing Development

**On agenda:** 5/6/2020      **Final action:** 5/6/2020

**Title:** Dept/ Agency: Economic and Housing Development  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Private Sale/Redevelopment  
Purpose: To rehabilitate the property at 35-37 Highland Avenue for rental housing and merge the property at 37 3rd Street with owner's adjacent lot to build a multi-family home for rent.  
Entity Name: 131-133 Highland Avenue, LLC  
Entity Address: 238 South 11th Street, Newark, New Jersey 07107  
Sale Amount: \$35,186.08  
Cost Basis: ☒ \$8.00/\$6.00 PSF ☐ Negotiated ☐ N/A ☐ Other:  
Assessed Amount: \$221,600.00  
Appraised Amount: \$0.00  
Contract Period: To commence within three (3) months and be completed within twenty-four (24) months following transfer of property 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)  
35-37 Highland Avenue/Block 507/Lot 54/North Ward  
37 3rd Street/Block 1878/Lot 27/Central Ward  
Additional Information:  
Sale Price: Total Square Footage X PSF = (3200 X \$8.00 = \$25,600) + (1597.68 X \$6.00 = \$9,588.08) = \$35,186.08.  
Sale at prices set forth by Ordinance 6S&Fh, adopted on April 7, 2004, establishing the minimum sale price of City-owned properties.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/6/2020	1	Municipal Council	Adopt	Pass

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**(Address/Block/Lot/Ward)**

35-37 Highland Avenue/Block 507/Lot 54/North Ward

37 3<sup>rd</sup> Street/Block 1878/Lot 27/Central Ward

**Additional Information:**

Sale Price: Total Square Footage X PSF = (3200 X \$8.00 = \$25,600) + (1597.68 X \$6.00 = \$9,588.08) = \$35,186.08.

Sale at prices set forth by Ordinance 6S&Fh, adopted on April 7, 2004, establishing the minimum sale price of City-owned properties.

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

<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>SIZE</u>	<u>SQ. FEET</u>
35-37 Highland Avenue	507	54	40X80	3,200
37 3 <sup>rd</sup> Street	1878	27	16.8X95.1	1,597.68

Purchase Price: \$35,186.08 (\$8.00/\$6.00 per sf.); and

**WHEREAS**, the City of Newark (the “City”) 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 is proceeding with the rehabilitation 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**, the Municipal Council thereafter approved Ordinance 6S&Fa(S) on August 17, 2005, adopting the Third Amendment to the North Ward Redevelopment Plan governing the redevelopment of City-owned properties located within the North Ward, which include the above-referenced Property; and

**WHEREAS**, the Municipal Council thereafter adopted Ordinance 6S&Fe(S) on August 17, 2005, adopting the First Amendment to the Central Ward Redevelopment Plan governing the redevelopment of City-owned properties located within the Central Ward, which include the above-referenced Property; and

**WHEREAS**, the City received a Letter of Intent, attached as Exhibit A of the Redevelopment Agreement (hereinafter the “Proposal”), for the purchase and redevelopment of the Properties from 131-133 Highland Ave LLC, 238 S 11<sup>th</sup> Street, Newark, New Jersey 07107 (the “Redeveloper”); and

**WHEREAS**, the Redeveloper proposes to rehabilitate the property at 35-37 Highland Avenue to be used as for rental housing and merge the property at 37 3<sup>rd</sup> Street with owner's adjacent lot to build a multi-family home for rent; and

**WHEREAS**, based upon the City's review of the Proposal 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 develop it in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the Agreement for the Sale and Redevelopment of Land, the form of which is attached hereto (the "Agreement"), and the North Ward Redevelopment Plan and Central Ward Redevelopment Plan, as amended; and

**WHEREAS**, pursuant to the above-mentioned statutory authority, the Department of Economic and Housing Development recommends that the City of Newark sell the Property to 131-133 Highland Ave LLC, which is willing to purchase the Properties from the City, for the consideration of Thirty-Five Thousand One Hundred Eighty-Six Dollars and Eight Cents (\$35,186.08), for the purpose of redeveloping said Property in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the Agreement, and the North Ward Redevelopment Plan and Central Ward Redevelopment Plan, 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 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 131-133 Highland Ave LLC, 238 S 11<sup>th</sup> Street, Newark, New Jersey 07107, for the private sale and rehabilitation 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 North Ward Redevelopment Plan and Central Ward Redevelopment Plan, as amended:

ADDRESSBLOCKLOT

SIZESQ. FEET

35-37 Highland Avenue	507	54	40X80	3,200
37 3 <sup>rd</sup> Street	1878	27	16.8X95.1	1,597.68

Purchase Price: \$35,078.08 (\$8.00/\$6.00 per sf.)

2. Said Properties shall be sold to 131-133 Highland Ave LLC, by private sale for the purpose of rehabilitating one property at 35-37 Highland Avenue to for rental housing and merge one property at 37 3<sup>rd</sup> Street with owner's adjacent lot to build a multi-family home for rent.
3. The 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's Corporation Counsel.

4. The 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 by the Director of the Department of Economic and Housing Development and the approval of the City's 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 is 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, then the authorization provided by this resolution shall be null and void, unless the 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 percent (90%) of the sale proceeds shall be deposited into the Community and Economic Development Dedicated Trust Fund established under Resolution 7Rg, adopted on November 6, 1985; and ten percent (10%) of the sale proceeds shall be placed in the City's Affordable Housing Trust Fund established under City Ordinance 6S&FF, adopted on June 21, 2006, for the purpose of preserving low and moderate income affordable housing.
8. The 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 comply with the City of Newark's Minority Set-Aside Ordinance 6S&FD, adopted on April 5, 1995; the City of Newark's Affirmative Action Plan 7Rbp, adopted on 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, adopted on 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 as Exhibit C (the "First Source Ordinance"), all as may be applicable. The Redeveloper shall provide the Department of Economic and Housing Development with the required forms showing compliance with the above, and a copy of these forms shall be filed with the Office of the City Clerk. In addition, the Redeveloper has agreed to ensure that thirty percent (30%) of all contractors, subcontractors and suppliers shall be Newark-based companies.
10. The development of the Properties shall commence within three (3) months and be completed

within twenty-four (24) months following the transfer of Property ownership from 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 Property as may be necessary. Should the Redeveloper fail to diligently pursue the redevelopment of the Property, then the City, in its sole discretion, may exercise its Right of Reverter to transfer title to the Property back to the City, in accordance with the terms and conditions of the Agreement and the deed.
12. The Director of the Department of Economic and Housing Development is hereby authorized to execute a Quitclaim Deed to the Redeveloper for the Property. Said Quitclaim Deed conveying title to the Property to the Redeveloper shall be approved as to form and legality by the City's Corporation Counsel and attested to and acknowledged by the City Clerk.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee and the Director of the Department of Economic and Housing Development to enter into and execute an Agreement for the Sale and Redevelopment of Land with 131-133 Highland Ave LLC, 238 S 11<sup>th</sup> Street, Newark, New Jersey 07107, 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 North Ward Redevelopment Plan and Central Ward Redevelopment Plan, as amended, to rehabilitate the property at 35-37 Highland Avenue to be used as for rental housing and merge the property at 37 3<sup>rd</sup> Street with owner's adjacent lot to build a multifamily home for rent:

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