City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Details (With Text)

File #:	22-0769	**Version:**	1	**Name:**	Mulberry Commons Property Identification Amendment
Type:	Resolution			**Status:**	Adopted
File created:	5/23/2022			**In control:**	Economic and Housing Development
On agenda:	7/26/2022			**Final action:**	7/26/2022

Title: Dept/ Agency: Economic and Housing Development
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Resolution Amending, Supplementing and Ratifying Resolution 7R2-a, adopted on August 2, 2017, which erroneously identified the Block and Lot Designation for “Mulberry Commons”.
Purpose: An Amending and Ratifying Resolution to identify the correct Block and Lot Designation for property 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)
160-172 Mulberry Street/ Block 166/Lot 1.03/East Ward
8-12 Columbia Street/ Block 167/Lot 10.02/East Ward
Additional Information:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/26/2022	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the Legislature of the State of New Jersey enacted the New Jersey Green Acres Land Act of 1961, N.J.S.A. 13:8A-1 et seq., to expand and preserve recreation and conservation areas within the State in order to protect such land for the use of existing as well as future generations; and

WHEREAS, the Green Acres Act and its implementing regulations, N.J.A.C. 7:36-1 et seq. (the "Green Acres Rules"), authorize the Green Acres Program to provide low interest loans and grants ("Green Acres Funds") to local government units such as municipal and county governments

to assist them in purchasing or preserving lands to be dedicated as parklands; 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, a local government unit that receives Green Acres funds has an affirmative obligation to ensure that its Recreation and Open Space inventory ("ROSI") accurately reflects those lands held for recreation and conservation purposes; and

WHEREAS, the Green Acres regulations prohibit a local governmental unit from either disposing of, or diverting to a use other than for recreation and conservation purposes, those properties on its ROSI without first obtaining approval from the NJDEP Commissioner and the State House Commission pursuant to the procedures outlined at N.J.A.C. 7:36-26.1 et seq.; and

WHEREAS, as a condition of the disposal or diversion of Green Acres encumbered land, a local government unit must compensate for the loss of that land with eligible replacement land and/or monetary compensation at ratios set forth in the Green Acres Rules; and

WHEREAS, on August 2, 2017, the Municipal Council adopted Resolution 7R2-a (the "Designating Resolution") to designate the property in the area to be known as "Mulberry Commons" as eligible replacement compensation land for the future diversions and/or disposal of Green Acres encumbered land situated in the City of Newark, including, but not limited to, such Green Acres Land that will be diverted and/or disposed that relates in any way to the acquisition of parcels necessary for the Riverfront Park Project and did so prior to proceeding with designating and/or developing Mulberry Commons as a park; and

WHEREAS, the Designating Resolution inadvertently and erroneously identified the property in the area to be known as Mulberry Commons as Block 159, Lot 10.03 and Block 159.01, Lot 11, on the Official Tax Map of the City of Newark, and commonly known as 66-92 Edison Place and 98-126 Edison Place (the "Property"); and

WHEREAS, at the time of the adoption of the Designating Resolution, the Property was not owned by the City of Newark, but was and continues to be privately owned; and

WHEREAS, the correct property, which should have been included in the Designation Resolution for Mulberry Commons is 160-172 Mulberry Street and 8-12 Columbia Street and known on the Official Tax Map of the City of Newark as Block 166, Lot 1.03 and Block 167, Lot 10.02 (the "Correct Property"); and

WHEREAS, the Municipal Council desires to amend the Designating Resolution to correctly identify the property.

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

1. Resolution 7R2-a, adopted by the Municipal Council on August 2, 2017, is hereby amended to correctly identify the property known as Mulberry Commons in the Designating Resolution as 160-172 Mulberry Street and 8-12 Columbia Street and knowns as Block 166, Lot 1.03

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and Block 167, Lot 10.02 on the Official Tax Map of the City of Newark (collectively “Correct Property”), and replacing all reference to the properties located at 66-92 Edison Place and 98-126 Edison Place and known on the Official Tax Map of the City of Newark as Block 159, Lot 10.03, and Block 159.01, Lot 11 (collectively “Original Property”), which was identified and designated to serve as replacement compensation lands for the potential diversion and/or disposal of any Green Acres Land situated in the City of Newark, including, but not limited to, such Green Acres Land that will be diverted and/or disposed that relate in any way to the acquisition of parcels necessary for the Riverfront Park Project.

2. This Resolution amends the Designating Resolution, only to the extent necessary, to correctly identify the property designated as replacement compensation lands, and the balance of the Designating Resolution shall remain in full force and effect.

3. The Municipal Council hereby ratifies the amendment of the Correct Property from August 2, 2017, date of adoption of the Designating Resolution, to the date of the adoption of this Resolution.

4. 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.

5. This Resolution shall take effect immediately.

STATEMENT

This Resolution amends and ratifies the correction of the property designated to serve as replacement compensation lands for the potential diversion and/or disposal of any Green Acres Land situated in the City of Newark, including, but not limited to, such Green Acres Land that will be diverted and/or disposed that relates in any way to the acquisition of parcels necessary for the Riverfront Park Project, in Resolution 7R2-a, adopted on August 2, 2017, from 66-92 Edison Place, Block 159, Lot 10.03, and 98-126 Edison Place, Block 159.01, Lot 11, to 160-172 Mulberry Street, Block 166, Lot 1.03, and 8-12 Columbia Street, Block 167, Lot 10.02.

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