



Legislation Details (With Text)

**File #:** 21-1213      **Version:** 1      **Name:** Top Rated Buyer

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

**File created:** 8/16/2021      **In control:** Economic and Housing Development

**On agenda:** 9/8/2022      **Final action:** 9/21/2022

**Title:** Dept/ Agency: Economic and Housing Development  
 Action:  Ratifying  Authorizing  Amending  
 Type of Service: Private Sale/Redevelopment  
 Purpose: To rehabilitate properties to create affordable housing for low-income families.  
 Entity Name: Top Rated Buyer, LLP  
 Entity Address: Rahway, New Jersey 07065  
 Sale Amount: \$63,990.00  
 Cost Basis:  \$10.00 PSF  Negotiated  N/A  Other:  
 Assessed Amount: \$50,100.00  
 Appraised Amount: \$0.00  
 Contract Period: To commence within three (3) months and be completed within eighteen (18) months following transfer of properties ownership from the City to the Redeveloper  
 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)  
 290 South 20th Street/Block 1794/Lot 66/West Ward  
 57 Montgomery Avenue/Block 2641/Lot 10/South Ward  
 39 Hecker Street/Block 2848/Lot 23/Central Ward  
 Additional Information:  
 Sale Price: Total Square Footage X PSF = 6,399.0 X \$10.00 = \$63,990.00.  
 Sale at prices set forth by Ordinance 6S&Fh, adopted on April 7, 2004, establishing the minimum sale price of City-owned properties.  
 Deferred 7R2-e 090822

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/21/2022	1	Municipal Council	Adopted	Pass
9/8/2022	1	Municipal Council	Deferred	Pass

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( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
(X) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**List of Property:**

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

290 South 20<sup>th</sup> Street/Block 1794/Lot 66/West Ward  
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Sale at prices set forth by Ordinance 6S&Fh, adopted on April 7, 2004, establishing the minimum sale price of City-owned properties.

**Deferred 7R2-e 090822**

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

<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT(S)</u>	<u>SIZE</u>	<u>SQ. FEET</u>	
290 South 20 <sup>th</sup> Street	1794	66 10	16.6X68	1,128.8	3,134.0
57 Montgomery Avenue	2641	23	22X97.1	2,136.2	
39 Hecker Street	2848				

Total Square Footage: 6,399.0 sq. ft.

Purchase Price: \$63,990.00 (\$10.00 per s.f.); 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 of Newark 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 adopted Ordinance 6S&Fc(S) on August 17, 2005, adopting the Second Amendment to the West Ward, Ordinance 6S&Fd(S) on August 17, 2005, adopting the Third Amendment to the South Ward and 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 West Ward, South Ward and Central Ward, which includes the above-referenced Properties; and

**WHEREAS**, the City received a Letter of Intent, attached as Exhibit A of the Agreement, for the Sale and Redevelopment of Land ("Agreement"), also known as the Proposal, for the purchase and

rehabilitation of the Properties from Top Rated Buyer, LLP, 1720 Park Street, Rahway, New Jersey 07065 (the “Redeveloper”); and

**WHEREAS**, the Redeveloper proposes to the City’s Department of Economic and Housing Development to rehabilitate city-owned properties with adjacent redeveloper owned lot to create affordable housing for low-income families (the “Proposal”); 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 them in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the Agreement, the form of which is attached hereto (the “Agreement”), and the West Ward, South Ward and Central Ward Redevelopment Plans, as amended; and

**WHEREAS**, pursuant to the above-mentioned statutory authority, the Department of Economic and Housing Development recommends that the City sell the Properties to the Redeveloper, whom is willing to purchase the Properties from the City, for the consideration of Sixty Three Thousand Nine Hundred Ninety Dollars and Zero Cents (\$63,990.00), for the purpose of rehabilitating said Properties in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the Agreement, and the West Ward, South Ward 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 Deputy Mayor/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 (“Agreement”) attached hereto with Top Rated Buyer, LLP, 1720 Park Street, Rahway, New Jersey 07065 (“Redeveloper”), 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 West Ward, South Ward and Central Ward Redevelopment Plans, as amended:

ADDRESSBLOCKLOT  
(S)    SIZE        SQ.  
FEET

290 South 20 <sup>th</sup> Street	1794	66	10	16.6X68	1,128.8	3,134.0
57 Montgomery Avenue	2641	23		22X97.1	2,136.2	
39 Hecker Street	2848					

Total Square Footage: 6,399.0 sq. ft.  
Purchase Price: \$63,990.00 (\$10.00 per s.f.)

2. Said Properties shall be sold to the Redeveloper, by private sale for the purpose of rehabilitating city-owned properties with adjacent redeveloper owned lot to create affordable housing for low-income families.
3. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to effectuate certain business terms and conditions related to the

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 of Newark's Corporation Counsel.

4. The Deputy Mayor/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 of the City of Newark by the Deputy Mayor/Director of the Department of Economic and Housing Development and the approval of the City of Newark'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 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, the authorization provided by this Resolution shall be null and void, unless the Deputy Mayor/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, 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, June 21, 2006, for the purpose of preserving low and moderate income affordable housing.
8. The Deputy Mayor/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 be required to comply with the City of Newark's Minority Set-Aside Ordinance 6S&Fd, April 5, 1995; the City of Newark's Affirmative Action Plan, 7Rbp, 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 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 eighteen (18) months following the transfer of Properties 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 Properties as may be necessary. Should the Redeveloper fail to diligently pursue the redevelopment of the Properties, the City, in its sole discretion, may exercise its Right of Reverter to transfer title to the Properties back to the City, in accordance with the terms and conditions of the Agreement and the deed. Failure to exercise or delay in exercising this Right of Reverter by the City of Newark shall not constitute a waiver nor shall such failure and/or delay serve as a basis for adverse possession of the Properties. Any and all waivers of the City's Right of Reverter shall be in writing.
- 12. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to execute a Quitclaim Deed to the Redeveloper for the Properties. Said Quitclaim Deed conveying title to the Properties 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, the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute an Agreement for the Sale and Redevelopment of Land with Top Rated Buyer, LLP, 1720 Park Street, Rahway, New Jersey 07065, 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 for the Sale and Redevelopment of Land and the West Ward, South Ward and Central Ward Redevelopment Plans, as amended, to rehabilitate city-owned properties with adjacent redeveloper owned lot to create affordable housing for low-income families:

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