



## Legislation Details (With Text)

**File #:** 22-1485      **Version:** 1      **Name:** Ordinance: Expanding the Special Improvement District and Responsibilities of NDD

**Type:** Ordinance      **Status:** Adopted

**File created:** 10/14/2022      **In control:** Administration

**On agenda:** 11/2/2022      **Final action:** 11/22/2022

**Title:** AN ORDINANCE AMENDING TITLE X, FINANCE AND TAXATION, CHAPTER 10:32-3, NEWARK DOWNTOWN SPECIAL IMPROVEMENT DISTRICT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING VARIOUS SUBSECTIONS, EXPANDING THE SPECIAL IMPROVEMENT DISTRICT, AND CLARIFYING THE RESPONSIBILITIES AND POWERS OF THE NEWARK DOWNTOWN DISTRICT MANAGEMENT CORPORATION.  
Deferred 6PSF-d 111422

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
11/22/2022	1	Municipal Council	Close on Public Hearing and Adopt	Pass
11/14/2022	1	Municipal Council	Maintained on Public Hearing and Deferred to Special Meeting	Pass
11/2/2022	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AMENDING TITLE X, FINANCE AND TAXATION, CHAPTER 10:32-3, NEWARK DOWNTOWN SPECIAL IMPROVEMENT DISTRICT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING VARIOUS SUBSECTIONS, EXPANDING THE SPECIAL IMPROVEMENT DISTRICT, AND CLARIFYING THE RESPONSIBILITIES AND POWERS OF THE NEWARK DOWNTOWN DISTRICT MANAGEMENT CORPORATION.**  
**Deferred 6PSF-d 111422**

**WHEREAS**, the City of Newark (the “City”) is a municipal corporation organized and existing under the laws of the State of New Jersey and located in Essex County; and

**WHEREAS**, the City previously created a special improvement district in a portion of the Central Business District (the “SID”) and designated the Newark Downtown District Management Corporation (“NDD”) as the district management corporation to manage the SID; and

**WHEREAS**, based on more than twenty (20) years of successful operations by the NDD, the Mayor of the City of Newark and the Municipal Council have determined it to be in the best interest of the property owners, residents, and businesses located within the SID and those within an expanded area (as set forth herein) to expand the boundary of the SID to include such expanded area, and to clarify the services of the NDD so as to better perform its duties as the district management corporation for the SID and the City; and

**WHEREAS**, the City's experience with NDD has demonstrated the value provided by NDD in assisting the City in promoting economic growth and employment within the SID and serving as an important means of providing self-help and self-financing programs to enhance the commercial viability and attractiveness of the SID to new residents and investors.

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

**Note:** Additions are shown as **underlined and bold**. Deletions are shown as strikethroughs.

**SECTION 1.**

**10:32-3.2 Findings.**

The Mayor and Municipal Council find and declare:

a. That the area within the City, as described in Schedules A (**map**), B (**properties currently within this Special Improvement District**) and C (**new expanded area**) of this ~~Ordinance No. 6PSF-C, 2-20-2013, Section~~, will benefit from being designated as a Special Improvement District; and

**SECTION 2.**

**10:32-3.3 Creation of District.**

a. **The City of Newark's Special Improvement District known as Newark Downtown Special Improvement District, created, pursuant to N.J.S.A. 40:50-65 et seq., by Ordinance 6S&FE, adopted on September 2, 1998, which was repealed and replaced by Ordinance 6PSF-C adopted on February 20, 2013, which designated a District Management Corporation, expanded the district and changed the regulations for the operation of the special improvement district, and further expanded by this Ordinance, consisting of the properties within the area delineated in the Map attached hereto as Schedule A, more specifically the properties currently part of the Special Improvement District as listed on Schedule B (attached hereto), and the expanded properties listed on Schedule C (attached hereto).** There is hereby created and designated within the City of Newark a Special Improvement District to be known as the "Downtown Newark Special Improvement District".

b. The District shall have the following boundaries:

Beginning at the place where the centerline of University Avenue intersects with the southern boundary of the NJ Transit railroad property, continuing easterly along the boundary of the NJ Transit railroad property to the edge of the Passaic River, then southeasterly along the edge of the Passaic River to the point where it would intersect with the centerline of Jersey Street if Jersey Street were extended to the River, then southerly along the centerline of Jersey Street to the centerline of Raymond Boulevard, then westerly along the centerline of Raymond Boulevard to the centerline of Raymond Plaza East, then southerly along the centerline of Raymond Plaza East to the centerline of Edison Place, then westerly along the centerline of Edison Place until its intersection with the westerly edge of the Northeast Corridor railroad property, then southerly along the edge of the Northeast Corridor railroad property to the centerline of Walnut Street, then westerly along the centerline of Walnut Street to the centerline of Mulberry Street, then northerly along the centerline of

Mulberry Street to the centerline of Franklin Street, then westerly along the centerline of Franklin Street, continuing across Broad Street to the centerline of Hill Street, then westerly along the centerline of Hill Street to the centerline of Washington Street, then northerly along the centerline of Washington Street to the centerline of William Street, then westerly along the centerline of William Street to the centerline of University Avenue, then northerly along the centerline of University Avenue to the place of the beginning.

**Begin Northerly through the freight line from Orange Street to Division Street. Then Easterly, the boundary starts along the edge of the Passaic River to the point where it would intersect with Jersey Street. Still, on the Eastern side of the District, the boundary continues at the intersection of Jersey Street and Raymond Boulevard while encompassing Lafayette Street, Walnut Street, and Mulberry Street. The border finally stops Easterly along McCarter Highway at the junction of Poinier Street, right by the edge of the Viaduct (Route 21). Then Westerly, the District begins north at Division Street and University Avenue intersection, down to the corner of Washington Street and Hill Street. Westerly, the District continues south along Washington Street and Pennsylvania Avenue till the junction of Poinier and Pennsylvania Avenue. The boundary will stop Southerly along the centerline of Poinier Street to the beginning of the Viaduct (Route 21) and McCarter Highway.**

c. The District shall include all of the properties listed in Schedules A, B and C of this Ordinance No. 6PSF-C, 2-20-2013. **Except for properties which are exempt from real estate taxation (other than as set forth below), all properties located within the District shall be subject to the special assessments made on behalf of the District, subject solely to the approval of such assessments in the manner set forth in N.J.S.A. 40:56-65 et seq. Properties that are subject to a tax exemption under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq., or the Five-Year Tax Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq., shall be subject to the special assessments made on behalf of the District, and the tax assessor shall assign assessed values to such properties in the same manner that the tax assessor assesses properties not subject to such a tax exemption or abatement, in order to equitably calculate the special assessment due by such properties.**

d. All properties located within the District, except for those which are exempt from real estate taxation and not subject to the payment of any amount in lieu of property taxes either directly or by some third party, shall be subject to the special assessments made on behalf of the District, subject solely to the approval of such assessments in the manner set forth in N.J.S.A. 40:56-65 et seq.

### **SECTION 3.**

#### **10:32-3.4 Designation of the District Management Corporation.**

a. The Newark Downtown District Management Corporation (NDD), a non-profit corporation created pursuant to Title 15S of the New Jersey Statutes, is hereby designated as the District Management Corporation for the **Newark** Downtown Newark Special Improvement District. NDD shall have all of the powers necessary to effectuate the purposes of this Section, including but not limited to:

11. Provide security, sanitation and other **maintenance** services to the District (**directly or through third-party providers**), supplemental to those provided normally by the municipality, **including, subject to the City's and NDD's mutual agreement, the sanitation and maintenance of bus stops located within the District;** and

#### **SECTION 4.**

##### **10:32-3.5 Budget and Assessments.**

m. The City Tax Collector shall withhold from each quarterly payment an Administrative Fee of 1% of the amount actually collected by the Tax Collector.

#### **SECTION 5.**

##### **10:32-3.10 Notice.**

At least 10 days prior to the date fixed for a public hearing for this Section, a copy of the Ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of all of the properties **that are** located within the proposed boundaries of the District **for the first time by virtue of this Ordinance.**

#### **SECTION 6.**

##### **10:32-3.11 Effective Date.**

This Section shall take effect upon final passage and publication ~~as required by~~ **and in accordance with the laws of the State of New Jersey.** The expansion of the District, the delivery of service to the expanded parts of the District and the assessment of the expanded parts of the District shall take place beginning on January 1, 2013. **The further expansion of the District, delivery of services to the expanded parts of the District, assessment of the expanded parts of the District, and any other changes to this Section 32-3, pursuant to this Ordinance shall take place beginning on January 1, 2023.**

### **STATEMENT**

This Ordinance amends Title X, Finances and Taxation, Chapter 10:32, Special Improvement Districts, Section 3, Newark Downtown Special Improvement District, expanding the special improvement district and clarifying the responsibilities and powers of the Newark Downtown District Management Corporation.