



Legislation Text

File #: 12-1501, Version: 4

ORDINANCE AUTHORIZING THE MAYOR AND THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT OF THE CITY OF NEWARK TO EXECUTE A FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH VISION OF HOPE COMMUNITY DEVELOPMENT CORPORATION IN ORDER TO REVISE THE SCOPE OF THE REDEVELOPMENT PROJECT ON 103-109 AND 121-133 SUSSEX AVENUE, 32-42 NEWARK STREET AND 36-48 NESBITT STREET, BLOCK 2853 LOTS 1, 3, 4, 37, 44, 62, 74, 78 AND 79 TO EXPRESSLY ALLOW THE CHARTER SCHOOL PROJECT, EXTEND THE DEADLINES FOR THE COMPLETION OF CONSTRUCTION OF THE REDEVELOPMENT PROJECT TO DECEMBER 31, 2014 FOR THE CHARTER SCHOOL PROJECT AND DECEMBER 31, 2016 FOR THE FAMILY LIFE CENTER PROJECT, PROVIDE FOR THE SALE OF ADDITIONAL CITY-OWNED PROPERTIES LOCATED AT 22,24,26,28 AND 30 NEWARK STREET, BLOCK 2853 LOTS 8,10,12,14 AND 16 TO THE REDEVELOPER FOR A PURCHASE PRICE OF \$75,000.000, AND TO MODIFY OTHER TERMS AND CONDITIONS OF THE REDEVELOPMENT AGREEMENT.

Failed/ Public Hearing Closed 6PSF-d 110812

Invitation: Director of Economic & Housing Development, December 4, 2012

No Action Taken, November 20, 2012

Deferred 6SF-a 120512/Public Hearing Closed

Deferred 6SF-a 121912/Public Hearing Closed

Deferred 6SF-a 010313/Public Hearing Closed

Deferred 6SF-a 011613/Public Hearing Closed

Deferred 6SF-a 020613/Public Hearing Closed

Deferred 6SF-a 022013/Public Hearing Closed

WHEREAS, N.J.S.A. 40A:12-21(k) of the Local Lands and Buildings Law authorizes municipalities to sell land not needed for public use to non-profit entities for the provision of educational and social services to the general public; and

WHEREAS, pursuant to N.J.S.A. 40A:12-21(k), the Municipal Council adopted Ordinance 6S&FA 120902, authorizing the sale of certain City-owned properties located at 103-109 and 121-133 Sussex Avenue; 32-42 Newark Street and 36-48 Nesbitt Street and identified on the City's official tax map as Block 2853, Lots 1, 3, 4, 37, 44, 62, 74, 78 and 79 (collectively, the "Original Properties") to Vision of Hope Development Corporation for the purchase price of \$215,000.00 so that Vision of Hope Development Corporation could construct a community-based family life center on the Original Properties providing social services, financial services, educational services, training and transitional and substance abuse support services to the general public; and

WHEREAS, Ordinance 6S&FA 120902 also authorized the City to execute a Contract for Private Sale of Land for Redevelopment with Vision of Hope Development Corporation (the "Redevelopment Agreement") requiring, among other things, that Vision of Hope Development Corporation complete the construction of a family life center on the Original Properties and obtain a Certificate of Occupancy on or before December 31,

2008; and

WHEREAS, the City conveyed the Original Properties to Vision of Hope Development Corporation through a deed dated April 3, 2003 which stated, among other things, that such conveyance was being made specifically for the construction of the Vision of Hope Family Life Center, that the Original Properties must be used for a public purpose and could not be transferred for any other use, and that the conveyance was subject to the terms and conditions set forth within Ordinance 6S&FA 120902; and

WHEREAS, on January 7, 2009, the Municipal Council adopted Ordinance 6PSF-e 010709 extending the time to complete the development of the Original Properties and to obtain a Certificate of Occupancy from December 31, 2008 to December 31, 2011; and

WHEREAS, Vision of Hope Development Corporation has filed a Restated Certificate of Incorporation with the State of New Jersey correcting its name to Vision of Hope Community Development Corporation; and

WHEREAS, the City and Vision of Hope Community Development Corporation wish to enter into a First Amendment to the Redevelopment Agreement in order to: (i) authorize the redevelopment of Block 2853, Lots 1, 3, 4, 8, 10, 12, 14, 16, 37, 74, 78 and 79 and a portion of Lot 44 with a new charter school to be used as a middle school/high school by the Marion P. Thomas Charter School; (ii) authorize Vision of Hope Community Development Corporation to assign its rights with respect to the charter school project to The Friends of Marion P. Thomas, a non-profit entity, or to an affiliated special purpose non-profit entity created and controlled by The Friends of Marion P. Thomas for financing purposes; (iii) require Vision of Hope Community Development Corporation to convey Block 2853, Lot 62 and a portion of Lot 44 for nominal consideration of one dollar to another non-profit corporation or back to the City as directed by the City and, if the City fails to issue written notice to the Redeveloper within one year of the effective date of the First Amendment designating a non-profit corporation to act as the redeveloper of the properties or directing the Redeveloper to convey them back to the City, to redevelop Block 2853, Lot 62 and a portion of Lot 44 with a family life center; (iv) authorize the sale of additional City-owned properties located at 22,24,26,28, and 30 Newark Street and identified on the City's tax map as Block 2853, Lots 8, 10, 12, 14 and 16 (the "Additional Properties") by the City to Vision of Hope Community Development Corporation for a purchase price of \$75,000.00 (based upon a price of \$4.00 per square foot) for redevelopment as part of the charter school project; and (v) to extend the deadlines for the completion of the construction of the redevelopment of the Original Properties and the Additional Properties from December 31, 2011 to December 31, 2014 (for the charter school project) and December 31, 2016 (for the family life center project); and

WHEREAS, the City also wishes to authorize the filing of an amended deed as to the Original Properties in order to amend the deed restrictions on the Original Properties to reflect the amended scope of the redevelopment project as set forth within the First Amendment to the Redevelopment Agreement.

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

1. The Municipal Council of the City of Newark hereby authorizes the Mayor and the Deputy Mayor/Director of the Department of Economic and Housing Development of the City of Newark to execute the First Amendment to the Redevelopment Agreement with Vision of Hope Community Development Corporation in the form attached hereto.

2. The Municipal Council of the City of Newark hereby authorizes the Deputy Mayor/Director of the Department of Economic and Housing Development to execute an amended deed, in a form approved by Corporation Counsel, as to the properties located at 103-109 and 121-133 Sussex Avenue; 32-42 Newark Street and 36-48 Nesbitt Street and identified on the City's official tax map as Block 2853, Lots 1, 3, 4, 37, 44,

62, 74, 78 and 79 previously sold by the City to Vision of Hope Community Development Corporation (the "Original Properties") in order to amend the deed restrictions on the Original Properties to reflect the amended scope of the redevelopment project as set forth within the First Amendment to the Redevelopment Agreement.

3. The Municipal Council of the City of Newark hereby authorizes the sale of the City-owned properties located at 22,24,26,28 and 30 Newark Street, and identified on the City's tax map as Block 2853, Lots 8, 10, 12, 14 and 16 (the "Additional Properties") to Vision of Hope Community Development Corporation for a purchase price of \$75,000.00 (based upon a price of \$4.00 per square foot) subject to the terms and conditions as set forth more fully within the First Amendment to the Redevelopment Agreement. The Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to execute a deed for the conveyance of the Additional Properties to Vision of Hope Community Development Corporation in a form approved by Corporation Counsel; provided, however, that such deed must include a deed restriction requiring that the Additional Properties be used for the purposes described herein and not for commercial business, trade or manufacture and providing that if the Additional Properties are not used in accordance with this limitation, they shall automatically revert to the City without the necessity of any further action by the City.

4. The Director of Finance is hereby authorized to receive the proceeds of the sale of the Additional Properties and to deposit such sale proceeds into the City's Land Sales Trust Account 026 BS 4627.

5. The Municipal Council further authorizes Vision of Hope Community Development Corporation to assign its rights with respect to the charter school project to The Friends of Marion P. Thomas, a non-profit entity, or to an affiliated special purpose non-profit entity created and controlled by The Friends of Marion P. Thomas for financing purposes, in accordance with the procedures set forth within the First Amendment to the Redevelopment Agreement, and requires Vision of Hope Community Development Corporation to convey Block 2853, Lot 62 and a portion of Lot 44 for nominal consideration of one dollar (\$1.00) to another non-profit corporation or back to the City as directed by the City and, if the City fails to issue written notice to the Redeveloper within one year of the Effective Date of the First Amendment designating a non-profit corporation to act as the redeveloper of the properties or directing the Redeveloper to convey them back to the City, to redevelop Block 2853, Lot 62 and a portion of Lot 44 with a family life center.

6. The Municipal Council hereby grants the extension of the deadlines for the completion of the construction of the redevelopment of the Original Properties and the Additional Properties from December 31, 2011 to December 31, 2014 (for the charter school project) and to December 31, 2016 (for the family life center project).

7. The First Amendment to the Redevelopment Agreement, the amended deed for the Original Properties, and the deed for the Additional Properties, once fully executed, shall all be filed with the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.

8. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

Ordinance authorizing the Mayor and the Deputy Mayor/Director of the Department of Economic and Housing Development of the City of Newark to execute a First Amendment to the Redevelopment Agreement with Vision of Hope Community Development Corporation for the redevelopment of 103-109 and 121-133 Sussex Avenue; 32-42 Newark Street and 36-48 Nesbitt Street, Block 2853, Lots 1, 3, 4, 8, 10, 12, 14, 16, 37, 74, 78 and 79 and a portion of Lot 44 with a new charter school to be used as a middle school/high school by the Marion P. Thomas Charter School, for the redevelopment of Block 2853, Lot 62 and a portion of Lot 44 with a family life center, and for the sale of additional City-owned properties located at 22, 24, 26, 28 and 30

Newark Street, Block 2853, Lots 8, 10, 12, 14 and 16 to Vision of Hope Community Development Corporation for the purchase price of \$75,000.000 for inclusion in the charter school project.