



## Legislation Text

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**ORDINANCE AUTHORIZING THE ENTRY OF A LICENSE AGREEMENT BETWEEN THE CITY OF NEWARK AND THE NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY AND A SUB-LICENSE AGREEMENT BETWEEN THE CITY OF NEWARK AND THE IRONBOUND COMMUNITY CORPORATION (ICC) FOR THE USE OF PROPERTY OWNED BY THE NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY LOCATED IN THE EAST WARD, MORE SPECIFICALLY DESCRIBED AS THE 'EAST SIDE HIGH SCHOOL SITE' LOCATED AT BLOCK 2487, LOT 1.02 FOR URBAN AGRICULTURE PURPOSES**

**Sponsors: Amador/ Gonzalez**

**WHEREAS**, the New Jersey Schools Development Authority (the "NJSDA") owns certain properties in the City of Newark (the "City"), including the said parcel located in the East Ward, more specifically described as the 'East Side High School Site' located at Block 2487, Lot 1.02 (the NJSDA Property); and

**WHEREAS**, pursuant to N.J.S.A. 52:18A-238 and N.J.A.C. 19:35-3.1, the NJSDA may authorize third-party use and/or occupancy of all or any part of its surplus real property for the period during which the property will not be needed for a school facilities project or otherwise is not used or useful in the business operations of the NJSDA; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-4(a) and N.J.S.A. 40A:12-5(a), the City may, by ordinance, acquire any real property or any interest therein, in furtherance of its municipal purposes; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-14(c), N.J.S.A. 40A:12-15(j) and N.J.S.A. 40A:12-15(l), the City may, by ordinance, authorize the conveyance to a Non-profit corporation or association, for a municipal public purpose, of a leasehold interest in any real property in which the City has an interest that is not needed for public use, (i) for the cultivation or use of vacant lots for gardening or recreational purposes and/or (ii) to cultivate and sell fresh fruits and vegetables; provided that in no event shall any such lease be entered into for, with or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing, or other profit-making enterprise, nor shall any such lease be entered into with any political or partisan corporation or association or for any political or partisan purpose; and

**WHEREAS**, the City believes that there exists in the City an excess of vacant property, and that vacant properties present numerous problems such as: presenting the opportunity for criminal activity, deterring neighborhood property owners from improving their properties and prospective purchasers and renters from locating into these areas, and serving as a location to dispose of unwanted items; and

**WHEREAS**, the City believes that, due to the scarcity of full service supermarkets and

farmers' markets within the City; City residents often suffer from a shortage of fresh fruits and vegetables; and

**WHEREAS**, the City believes that the shortage of sources of fresh fruits and vegetables have contributed to adverse health consequences for City residents; and

**WHEREAS**, The Ironbound Community Corporation, a New Jersey non-profit corporation ("ICC"), has offered to use the NJSDA Property for urban agriculture purposes in accordance with the provisions of N.J.S.A. 40A:12-15(j) and N.J.S.A. 40A:12-15(l); and

**WHEREAS**, ICC has represented to the City that hundreds of persons within the City will benefit from the above-referenced statutory purposes; and

**WHEREAS**, the City believes that such use can provide a source of fresh, locally grown fruits and vegetables for City residents and, additionally, can provide incidental passive recreational opportunities; and

**WHEREAS**, accordingly, the City's Acting Director of the Department of Economic and Housing Development prepared and submitted to the NJSDA an Application for the use of the NJSDA Property (the "Application"), seeking approval of a proposed License Agreement (the "License Agreement") that would permit the City to use and occupy the NJSDA Property on such terms as are approved by the NJSDA; and

**WHEREAS**, the Application submitted to the NJSDA contemplates that the City would, in turn, enter into a proposed Sub-License Agreement (the "Sub-License Agreement") with ICC, by which the City would permit ICC to use and occupy the NJSDA Property for the above-referenced purposes, pursuant to substantially the same terms as the License Agreement; and

**WHEREAS**, the City has reached an agreement with NJSDA (in accordance with pursuant to N.J.S.A. 52:18A-238 and N.J.A.C. 19:35-3.1) which permits the City to enter into a License Agreement to use the NJSDA Property since it will not be needed by NJSDA for a school facilities project or otherwise is not used or useful in the business operations of the NJSDA.

**WHEREAS**, the Agreement with NJSDA as contemplated in the City's application further permits the City to enter into a Sub-License Agreement with ICC to use the NJSDA Property for the above-referenced statutory purposes; and

**WHEREAS**, the City wishes to enter into a License Agreement with NJSDA and a Sub-License Agreement with ICC, in the forms attached hereto, authorizing the use of NJSDA Property for the above-referenced urban agricultural purposes.

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

1. The Mayor and/or his designee, the Director of the Department of Economic and Housing Development is hereby authorized to submit an application to the New Jersey Schools Development Authority (the "NJSDA") seeking their approval to license their property located in the East Ward, more specifically described as the 'East Side High School Site' located at Block 2487, Lot

1.02 (the NJSDA Property) with the intent to sub-license it to the Ironbound Community Corporation ("ICC") so that they may use the Property for urban agriculture purposes in accordance with the provisions of N.J.S.A. 40A:12-15(j) and N.J.S.A. 40A:12-15(l).

2. The Municipal Council hereby ratifies its authorization of this application from the date of application submission to the date of adoption of this authorizing Ordinance

3. The Mayor and/or his designee, the Acting Director of the Department of Economic and Housing Development is hereby authorized to enter into a License Agreement with NJSDA in the form attached hereto.

4. The Mayor and/or his designee, the Director of the Department of Economic and Housing Development is hereby authorized to enter into a Sub-License Agreement with ICC. ICC shall annually submit a report to the Director of the Department of Economic and Housing Development setting forth the use to which the NJSDA Property was put during that year, the activities of ICC undertaken in furtherance of the public purpose, the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax-exempt status of ICC pursuant to both State and federal law.

5. The Director of the Department of Economic and Housing Development shall file a fully executed copy of the License Agreement with NJSDA and Sub-License Agreement with ICC in the Office of the City Clerk.

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

### **STATEMENT**

This Ordinance ratifies and authorizes the actions taken by the Director of the Department of Economic and Housing Development to submit an application to the New Jersey Schools Development Authority seeking their approval to license their property located in the East Ward, more specifically described as the 'East Side High School Site' located at Block 2487, Lot 1.02 (the NJSDA Property) with the intent to sub-license it to the Ironbound Community Corporation ("ICC") so that they may use the Property for urban agriculture purposes. This Ordinance further authorizes the Mayor and/or his designee, the Director of the Department of Economic and Housing Development to enter into a license agreement with NJSDA and a sub-license agreement with ICC for the above purposes.