



Legislation Text

File #: 14-1424, Version: 1

Dept/ Agency: Economic & Housing Development

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Waiving 20 day period for an ordinance to take effect

Purpose: To declare an emergency exist as to the implementation of Ordinance 6PSF-a, September 17, 2014, "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."

Ordinance No(s): 6PSF-a 091714

Additional Information:

WHEREAS, the New Jersey Schools Development Authority (Licensor) is the owner of certain premises in the City of Newark, County of Essex, State of New Jersey, being known and designated as City of Newark Tax Block 2487, Lot 1.02, which consist of a paved vacant area; and

WHEREAS, Licensor's plans to construct a school facilities project on the Property for the benefit of the City of Newark School District, to be known as the East Side High School (the "Project"), are yet to be determined to the effect that the Property (i) is not needed for construction of the Project at this time and (ii) is not useful in the business operations of the Licensor at this time, allowing for the temporary third party use of the Property in accordance with the applicable provisions of "Disposition of Surplus Real and Personal Property of the New Jersey Schools Development Authority", set forth in N.J.A.C. 19:35-1 et seq.; and

WHEREAS, in light of the current status of the Property as vacant land, in furtherance of the public benefits afforded under the provisions of P.L. 2011, c. 35 (amending and supplementing P.L. 1971, c. 199 and R.S. 54:4-36) (the "Act"), which authorizes local units to lease tax exempt property to non-profit entities for, among other purposes, providing local residents with a source of fresh, locally grown fruits and vegetables, the City of Newark (Licensee) desires to license from Licensor that portion of the Property so that it may in turn sub-license it to the Ironbound Community Corporation (Sub-licensee) to use for urban gardening and recreational activity; and

WHEREAS, there is therefore an exigent need for the City to authorize a License Agreement with the Licensor and a Sub-license Agreement with the Sub-licensee so that the Sub-Licensee is able to start an urban gardening project before the end of this summer's growing season; and

WHEREAS, N.J.S.A. 40:69A-181(b) authorizes a governing body to adopt a resolution declaring an emergency and determining that an ordinance will take immediate effect so long as at

least two-thirds of all the members of the governing body vote in favor of such resolution; and

WHEREAS, the Municipal Council recognizes the exigent need for this project and further recognizes that the loss of opportunity will result in loss of jobs and needed vegetation for Newark residents; and

WHEREAS, the Municipal Council has determined that it is therefore necessary and appropriate to adopt this resolution pursuant to N.J.S.A. 40:69A-181(b) declaring an emergency and determining that Ordinance No.6PSF-a adopted September 17, 2014 shall take immediate effect as permitted by law.

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

1. As a result of the reasons set forth herein and the important public policies enunciated, an emergency is hereby declared to exist and Ordinance No.6PSF-a adopted September 17, 2014 shall take effect upon the Mayor's signature and publication, as permitted by law.

STATEMENT

This resolution authorizes an emergency to be declared and further authorizes Ordinance 6PSF-a adopted on September 17, 2014 once adopted by the Municipal Council after second reading and final passage, to become effective in accordance with N.J.S.A.40:69A-181(b) upon approval by the Mayor (or passage over his veto) and publication in accordance with law due to the exigent need for this urban agriculture project for gardening and recreational purposes for the benefit of the Citizens of Newark.