



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-1494, Version: 1

Dept/ Agency: Economic & Housing Development
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Grant Agreement
Purpose: Little League Field Maintenance and Repair, Inc.
Entity Name: Roseville Sports Group of North Newark
Entity Address: 532 North Seventh Street, Newark, NJ 07107
Grant Amount: \$5,500.00
Funding Source: Hess Settlement Funds
Total Project Cost: \$5,500.00
City Contribution: \$5,500.00
Other Funding Source/Amount: N/A
Contract Period: n/a
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale (X) Grant () Sub-recipient () n/a
List of Property: (if applicable)
(Address/Block/Lot/Ward)
Additional Information:

WHEREAS, Hess Corporation instituted an action entitled Hess Corporation v. City of Newark, and the Newark Central Planning Board, Docket No. ESX-L-3465-09 (the "Action"), in which Hess filed a complaint in lieu of prerogative writs against the City and the Newark Central Planning Board ("Planning Board") challenging the validity of Resolution 7R3-c(S1) 031009 wherein certain property owned by Hess located within the Port Newark area of the City, at 678-696 Doremus Avenue and identified as Block 5066, Lot 16, on the Tax Map of the City (the "Hess Property") was found to be in an "area in need of redevelopment" pursuant to Section 5 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"); and

WHEREAS, the foregoing litigation was amicably resolved by Hess, the City and Planning Board as evidenced by Resolution 7R3-d (AS), adopted on May 2, 2012 by the Municipal Council, whereby Hess identified a project consisting of the development of the Newark Energy Center ("NEC"), a natural gas-fired electric generating facility to be located on property owned by Hess located at 1111 Delancy Street, Newark, New Jersey 07105, which is identified as Block 5074, Lots 25 and 25.01 on the municipal tax map of the City of Newark, and the City and the Central Planning Board acknowledged that the development of the NEC will effectuate the long-term redevelopment goals in the Port Newark area of the City; and

WHEREAS, the Parties acknowledged that the development of the NEC would be facilitated by their continued cooperation, including, but not limited to the following items: 1) entering into an easement agreement allowing Hess to install and maintain certain improvements related to the

conveyance/transmission of water, wastewater, natural gas, and electricity within City roadways and the associated conveyance/transmission lines; 2) correcting the City's Urban Enterprise Zone ("UEZ") map to clarify the location of the NEC; 3) the adoption of a redevelopment plan for the NEC; and 4) entering into a financial agreement; and

WHEREAS, Hess and Hess NEC, LLC agreed to provide certain Environmental Program Funding (\$7 million) and Health and Education Programs (\$5 million) and other funding (collectively the "Hess Payments") for the direct benefit of the City as a result of the settlement of the Action as set forth in the Settlement Agreement authorized on May 2, 2012; and

WHEREAS, subsequent to the execution of the Settlement Agreement authorized by Resolution 7R3D-(AS) adopted on May 2, 2012, the City and Hess engaged in further discussions concerning the additional responsibilities that will be placed on the City by virtue of the construction of the Newark Energy Center by Hess and the installation of certain NEC-related utilities in and along portions of Wilson Avenue, Avenue P, Delancy Street and Doremus Avenue (the "Easement") and the City and Hess agreed to amend the Settlement Agreement which was authorized by Resolution 7R7-A(S) adopted by the Municipal Council on March 26, 2013; and

WHEREAS, the terms of the Amendment to the Settlement Agreement and Mutual Release authorized by the City Council on March 26, 2013 provided for additional payments to be made to the City by Hess, and also made certain clarifications to the payment provisions set forth in Section 5 and 12 of the Settlement Agreement; and

WHEREAS, Section 12 of the Amendment to the Settlement Agreement and Mutual Release authorized by the Municipal Council on March 26, 2013 ("Amended Settlement Agreement") states that the Hess Payments had been allocated at the sole discretion of the City, with no input or control by Hess and that Hess had no ability to control how or for what purpose the City allocates the Hess Payments and that the City was not required to obtain the approval, consent or acquiescence of Hess for the implementation of any project to be funded by the Hess Payments; and

WHEREAS, A project has been proposed for the North Ward by Councilman Anibal Ramos, Jr. totaling \$5,500.00 to be paid as a grant to the Roseville Sports Group of North Newark, Inc., 532 North Seventh Street, Newark, NJ 07107, for the field maintenance and repair, insurance costs, uniform costs and equipment costs for little league programs that currently serve over 500 player participants; and

WHEREAS, providing the grant for the Project (1) is consistent with the authority provided to the City pursuant to N.J.S.A. 40A:11-3 et seq., (2) promotes the public health, safety and welfare of the City's children, and (3) is necessary as action in furtherance of the City's obligations pursuant to the Amended Settlement Agreement.

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

1. The Mayor and/or his designees, the Assistant Business Administrator and the Director of the Department of Economic & Housing Development are hereby authorized to enter into and execute on behalf of the City of Newark a grant agreement with Roseville Sports Group of North Newark, Inc., 532 North Seventh Street, Newark, NJ 07107 in the form attached hereto

in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) to fund field maintenance and repair, insurance costs, uniform costs, and equipment costs for little league programs that currently serve over 500 player participants.

2. A Certification of Funds from the Acting Director of Finance of the City of Newark, which states (1) that there are sufficient funds for the purpose set forth hereinabove and (2) the line appropriation of the official budget which shall be charged is: Business Unit: NW051; Department ID: G13; Div./Proj.: E1310; Activity: A; Account: 94710; Budget Reference: B2013.
3. Funds in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) will be released in the form of a drawdown to the Roseville Sports Group of North Newark to fund field maintenance and repair, insurance costs, uniform costs, and equipment costs.
4. The total amount of said Grant Agreement shall not exceed Five Thousand Five Hundred Dollars (\$5,500.00) and shall be paid from the Hess Payments.
5. This Resolution and an executed copy of the Grant Agreement shall be filed with the Office of the City Clerk by the Director of the Department of Economic & Housing Development.

STATEMENT

This resolution hereby authorizes the Mayor and/or his designees, the Business Administrator and the Director of the Department of Economic & Housing Development to enter into and execute a Grant Agreement on behalf of the City with Roseville Sports Group of North Newark, Inc., 532 North Seventh Street, Newark, NJ 07107 in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) to fund field maintenance and repair, insurance costs, uniform costs, and equipment costs for little league programs that currently serve over 500 player participants with said grant being paid out of the Hess Payments.