



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 17-0587, Version: 1

AN ORDINANCE TO CONVEY 49 9TH AVENUE, BLOCK 1868, LOT 32, LOCATED IN THE WEST WARD TO THE COUNTY OF ESSEX FOR THE DEVELOPMENT OF OPEN SPACE AND PARKING FOR A NEW ESSEX COUNTY VOCATIONAL TECHNICAL SCHOOL CAMPUS, IN ACCORDANCE WITH THE LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-13.4, FOR THE NOMINAL TOTAL SUM OF ONE DOLLAR AND ZERO CENTS (\$1.00).

WHEREAS, the Essex County Vocational Technical School District (the "School District") has acquired the former United Hospital property along West Market Street for the purpose of developing an Essex County Vocational School Campus (the "School Campus"); and

WHEREAS, to assist the School District in the acquisition of properties for additional open space and parking at the School Campus, the County of Essex (the "County") plans to acquire additional properties around the perimeter of the School Campus (the "Campus Area"); and

WHEREAS, on April 3, 2017, the County requested the assistance from the City in acquiring the Property for the School Campus project; and

WHEREAS, the City, pursuant to the Abandoned Properties Rehabilitations Act ("APRA"), N.J.S.A. 55:19-78 et seq., identified as abandoned the property located at 49 9th Avenue, Newark, New Jersey, as identified on the Official Tax Map of the City of Newark as Block 1868, Lot 32, and as more fully described in **Exhibit A** attached hereto and incorporated herein by reference (the "Property"), and included the Property on its abandoned properties list while complying with all publications and notice requirements contained within APRA; and

WHEREAS, the vacant and abandoned property listed by the City is more fully described as:

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Ward</u>	<u>Size</u>	<u>Sq. Feet</u>
49 9 th Avenue	1868	32	West	25X100	2,500

WHEREAS, the City is authorized under N.J.S.A. 55:19-56(c)(2) of APRA to acquire properties on its abandoned properties list by condemnation in the manner provided within N.J.S.A. 20:3-1 et seq.; and

WHEREAS, the City obtained an appraisal valuing the Property, pursuant to the valuation criteria of N.J.S.A. 55:19-102 of APRA and as of a valuation date of March 8, 2017, a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, by letter dated July 19, 2017, a copy of which is attached hereto as **Exhibit C**, the City extended a written offer to purchase the Property to its owner of record, Romana Hussain, for the sum of One Thousand Dollars and Zero Cents (\$1,000.00); and

WHEREAS, on August 14, 2017, the City filed a Complaint before the Superior Court of New Jersey, Essex County to authorize the taking of the Property, a copy of which is attached hereto as **Exhibit D**; and

WHEREAS, on August, 28 2017, the Honorable Judge Dennis F. Carey, III, P.J. Cv., Ordered all interested parties noticed by the City of Newark to appear on October 3, 2017 to contest the City's proposed taking of the Property, a copy of which is attached hereto as **Exhibit E**; and

WHEREAS, on October 3, 2017, without opposition, the Honorable Judge Dennis F. Carey, III, P.J. Cv., Ordered that the City was entitled to immediate and exclusive possession of the Property, provided that notice of the filing of the declaration of taking and the making of the deposit in the sum of One Thousand Dollars and Zero Cents (\$1,000.00) and proof of service is promptly filed; a copy of which is attached hereto as **Exhibit F**; and

WHEREAS, on October 3, 2017, the Honorable Judge Dennis F. Carey, III, P.J. Cv., also Ordered the appointment of three (3) independent Commissioners to "...examine and appraise the property described in the Verified Complaint and to assess the damages to be sustained by the taking and condemnation of said property for public use for the purpose set forth in the Verified Complaint," a copy of which is attached hereto as **Exhibit G**; and

WHEREAS, on November 15, 2017, the City filed with the Court and served on all parties an Order of Payment into Court and for Possession of the Property together with a check in the amount of One Thousand Dollars and Zero Cents (\$1,000.00), a copy of which is attached to the Legislation and made a part thereof; and

WHEREAS, on November 15, 2017, the City sent to the Essex County Register of Deeds for recording an original Declaration of Taking of the Property declaring the taking of the fee simple interest in the Property, a copy of which is attached to the Legislation and made a part thereof; and

WHEREAS, pursuant to Local Lands and Buildings Law, N.J.S.A. 40A:12-13.4, the City is authorized to convey property that is not needed for municipal purposes to the County without compliance with any other law governing disposal of lands by municipalities, for nominal consideration, provided that the Properties are used only for public purposes, and that if the Properties are not utilized for a public purpose, title thereto shall revert back to the City without any entry or reentry made thereon on behalf of the City; and

WHEREAS, the City desires to transfer the Property to the County for the development of the School Campus project.

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

Section 1. The City of Newark is the owner of the following property by virtue of its recording of an original Declaration of Taking with the Essex County Register of Deeds and its filing of and service on all parties of an Order of Payment into Court and for Possession together with a check in the amount of One Thousand Dollars and Zero Cents (\$1,000.00):

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Ward</u>	<u>Size</u>	<u>Sq. Feet</u>
49 9 th Avenue	1868	32	West	25X100	2,500

Section 2. The City hereby authorizes the sale of the above property ("Property") to the County at the sale price of One Dollar and Zero Cents (\$1.00), pursuant to N.J.S.A. 40A:12-13.4.

Section 3. The Mayor and/or his designee, the Acting Deputy Mayor/Director of the Department of Economic and Housing Development, are each hereby authorized to enter into and execute the Purchase and Sale Agreement in substantially the form attached hereto any and all additional documents and agreements necessary to effectuate the sale of and closing on the Property, subject to the approval of the City of Newark Acting Corporation Counsel.

Section 4. The Acting Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to execute a Quitclaim Deed to the County for the Property. Said Quitclaim Deed conveying title to the Property shall be approved as to form and legality by the City's Acting Corporation Counsel and attested to and acknowledged by the City Clerk.

Section 5. In accordance with N.J.S.A. 40A:12-13.4, the City is authorized to convey property that is not needed for municipal purposes to the County for nominal consideration, provided that the Properties are used only for public purposes, and that if the Properties are not utilized for a public purpose, title thereto shall revert back to the City without any entry or reentry made thereon on behalf of the City.

Section 6. The Acting Deputy Mayor/Director of the Department of Economic and Housing Development shall place a copy of the fully executed Purchase and Sale Agreement, the Deed and all other executed agreements and documents authorized by this ordinance on file in the Office of the City Clerk.

Section 7. The Acting Deputy Mayor/Director of the Department of Economic and Housing Development shall file with the City Clerk a copy of the recorded Declaration of Taking with proof that it has been served upon all interested parties in the condemnation action.

Section 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 transfer of the following property in the West Ward owned by the City of Newark to the County of Essex, for the sum of One Dollar and Zero Cents (\$1.00), for the development of open space and parking around the new Essex County Vocational Technical School Campus in accordance with Local Lands and Buildings Law, N.J.S.A. 40A:12-13.4.

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Ward</u>	<u>Size</u>	<u>Sq. Feet</u>
49 9 th Avenue	1868	32	West	25X100	2,500