



## Legislation Text

File #: 22-0242, Version: 1

**AN ORDINANCE RATIFYING, AMENDING, AND AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/ DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, TO ENTER AND EXECUTE A LEASE AGREEMENT WITH MAYOR REAL ESTATE, LLC FOR USE OF PROPERTY LOCATED AT 197 AND 199 N 13<sup>TH</sup> STREET, NEWARK, NEW JERSEY 07107 (BLOCK 1940, LOT 51 AND 52) FOR THE PERIOD OF APRIL 2, 2018 THROUGH MARCH 31, 2028, AS A BASKETBALL COURT FOR NEWARK RESIDENTS. (WEST WARD)**

**WHEREAS**, Mayor Real Estate, LLC is the owner in fee simple of the land located at 197 and 199 North 13<sup>th</sup> Street, Newark, New Jersey 07107, as Block 1940, Lot 51 and 52 on the Official Tax Maps and Tax Duplicate (Year 2017) of the City of Newark, County of Essex, State of New Jersey (herein referred to as the "Landlord"); and

**WHEREAS**, the City of Newark (hereinafter referred to as the "Tenant") was in need of additional basketball recreational space for use by City of Newark residents in the City's South Ward and the Landlord was in possession of, and desirous to lease, such space to the City (the "Purpose") for the nominal price of One Dollar and Zero Cents (\$1.00) annually for ten (10) years; and

**WHEREAS**, the Landlord agreed to permit the Tenant to use of the Premises, only for the Purpose, as stated above, to continue to address the need for basketball and recreational services, pursuant to the terms and conditions set forth in the attached lease; and

**WHEREAS**, this Lease shall not change the use, nature, and character of the premises owned by Landlord, which shall remain as a vacant basketball court throughout the term of the lease and any extended term; and

**WHEREAS**, on August 9, 2018, by way of Ordinance 6F-e(AS), attached herein, the Municipal Council authorized the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Economic and Housing Development to enter into and execute a lease with the Landlord; and

**WHEREAS**, after three (3) years, the lease remained unexecuted inadvertently; and

**WHEREAS**, the Landlord and Tenant reviewed and renegotiated the lease and to account for the passage of time and inadvertent execution.

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

**Section 1.** The Mayor of the City of Newark and/or his designee, the Deputy Mayor/

Director of the Department of Economic and Housing Authority, is authorized to enter into and execute the amended Lease Agreement with Mayor Real Estate, LLC, for the leasing of the Premises located at 197 and 199 North 13<sup>th</sup> Street, Newark, New Jersey 07107, as Block 1940, Lot 51 and 52 on the Official Tax Maps and Tax Duplicate (Year 2017) of the City of Newark, County of Essex, State of New Jersey, pursuant to N.J.S.A. 40:60-25.51, retroactive to the period of April 2, 2018 through March 31, 2028, for the total rent amount not to exceed Ten Dollars and Zero Cents (\$10.00).

**Section 2.** The Municipal Council hereby ratifies the Lease Agreement from April 2, 2018 until the final passage and publication of this Ordinance.

**Section 3.** There shall be no advance payment on this Lease Agreement.

**Section 4.** A copy of the Lease Agreement is attached hereto and made part hereof.

**Section 5.** A copy of the Lease Agreement, this Ordinance and any extensions of the Lease Agreement shall be permanently filed in the Office of the City Clerk by the Deputy Mayor/Director of the Department of Economic and Housing Development.

**Section 6.** The City of Newark is a governmental entity and any and all debts, expenses or obligations incurred by the City shall be payable only from funds available to the City for this purpose, and no liability or obligation shall be incurred by the City beyond the extent to which monies are appropriated and available and as such this Lease Agreement is subject in all events to the continued availability of funding by the City.

**Section 7.** Pursuant to N.J.A.C. 5:30-5.5, because the rental amount is for a total of Ten Dollars and Zero Cents (\$10.00) payment may be made absent an appropriation and Certification of Available City Funds.

**Section 8.** The Lease Agreement satisfies and is in compliance with Newark Municipal Ordinance 2:4-16.

**Section 9.** 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 Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Authority, to enter into and execute a Lease Agreement with Mayor Real Estate, LLC, for the leasing of the Premises located at 197 and 199 North 13<sup>th</sup> Street, Newark, New Jersey 07107, as Block 1940, Lot 51 and 52 on the Official Tax Maps and Tax Duplicate (Year 2017) of the City of Newark, County of Essex, State of New Jersey, pursuant to N.J.S.A. 40:60-25.51, for the period of April 2, 2018 through March 31, 2028, for the total rent amount not to exceed \$10.00. (West Ward)