



City of Newark

City Hall
920 Mayor Kenneth A.
Gibson Boulevard
Newark, New Jersey 07102

Legislation Text

File #: 26-0302, Version: 1

Dept./ Agency: Engineering

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

Type of Service: Refund

Purpose: Refund monies paid toward construction permit fees for work that was never commenced

Entity Name: 53 Bruen Urban Renewal LLC

Entity Address: 109 Monroe Street, Newark, New Jersey 07105

Amount: \$70,723.00

List of Property:

(Address/Block/Lot/Ward)

53-57 Bruen Street /Block 195/Lot 12

Additional Information:

Permit #24-CP-001082/ 53-57 Bruen Street, Newark, NJ 07105/Block 195/Lot 12

A Certification of Funds in the amount of \$70,723.00 is attached.

WHEREAS, 53 Bruen Urban Renewal LLC, 109 Monroe Street, Newark, New Jersey 07105, submitted an application to the Uniform Construction Code Office (the "UCC Office") for a Construction Permit to install a 56-unit new construction, located at 53-57 Bruen Street, Newark, New Jersey 07105; and

WHEREAS, 53 Bruen Urban Renewal LLC paid a relevant fee in the amount of **Seventy Thousand Seven Hundred Twenty-Three Dollars and Zero Cents (\$70,723.00)**, (which consists of Plan Review Fees and Construction Permit Fees), as per the attached Construction Permit Document relating to Permit #24-CP-001082; and

WHEREAS, the permit for the construction, specifically, permit #24-CP-001082, for 53-57 Bruen Street, Newark, New Jersey 07105/Block 195/Lot 12, the permits were voided by the Construction Official due to the fact that no construction activity was initiated on the property and no inspections were conducted following the submission of the permit requests. Therefore, 53 Bruen Urban Renewal LLC provided a payment for work that never happened; and

WHEREAS, 53 Bruen Urban Renewal LLC is requesting that all permit fees be refunded based on no construction being commenced on the property; and

WHEREAS, it is the determination of the Construction Official of the Department of Engineering, on behalf of the City of Newark, that the permit issued to and paid for by **53 Bruen Urban Renewal LLC**, is voidable and a full refund be issued in the amount of **Seventy Thousand Seven Hundred Twenty-Three Dollars and Zero Cents (\$70,723.00)**, against Permit #24-CP-001082.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF

NEWARK, NEW JERSEY, THAT:

1. The Director of the Department of Finance is hereby authorized to issue a refund check in the amount of Seventy Thousand Seven Hundred Twenty-Three Dollars and Zero Cents (\$70,723.00), to 53 Bruen Urban Renewal LLC, 109 Monroe Street, Newark, New Jersey 07105 against fees paid towards Permit #24-CP-001082.

2. The Construction Official of the Uniform Construction Code Office, the Department of Engineering, on behalf of the City of Newark is hereby authorized to make appropriate entries to reflect the partial refund made.

3. The State of New Jersey Uniform Construction Code Regulations, N.J.A.C. 5:23-4.18 et seq., governing the refund of application fees provides that the Construction Permit Fees, of which Plan Review Fees forms are part, shall be returned back to the applicant due to an overcharge.

4. Attached is a Certification of Funds from the Director of the Department of Finance, which states: (1) that there are sufficient funds in the amount of Seventy Thousand Seven Hundred Twenty-Three Dollars and Zero Cents (\$70,723.00), for the purpose set forth herein above; and (2) that the line appropriation which shall be charged is as follows:

<u>Business Unit</u>	<u>Department</u>	<u>Division/Proj.</u>	<u>Account #</u>	<u>Bud. Ref.</u>
NW026			38750	B2026

5. A fully executed copy of this Resolution, shall be filed in the Office of the City Clerk by the Construction Official for the Department of Engineering.

STATEMENT

This Resolution authorizes the Director of the Department of Finance to issue a refund check made payable to 53 Bruen Urban Renewal LLC, 109 Monroe Street, Newark, New Jersey 07105, in the amount of **Seventy Thousand Seven Hundred Twenty-Three Dollars and Zero Cents (\$70,723.00)**, against fees paid towards Permit #24-CP-001082.