

CITY OF PLAINFIELD

MC 2024-41

ORDINANCE AUTHORIZING THE CONVEYANCE OF 153 EAST 4TH STREET, DESIGNATED AS BLOCK 840, LOT 4 AND KNOWN AS THE ALLEY FROM THE CITY OF PLAINFIELD TO 306 WATCHUNG LLC

WHEREAS, the Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1, et seq.*) (the “**LRHL**”) authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-5* and Plainfield Council Resolutions R 337-19 and R 338-19, both adopted November 12, 2019, the Transit Oriented Development District South (“**TODD South**”) Area was designated as an “area in need of redevelopment” (the “**Redevelopment Area**”); and

WHEREAS, Resolution R 338-19 included a certain parcel within the Redevelopment Area known as 153 East 4th Street and designated as Block 840, Lot 4 on the Tax Map of the City of Plainfield (the “**City**”) as a condemnation area in need of redevelopment (the “**Alley**”); and

WHEREAS, in order to facilitate the redevelopment of the TODD South Redevelopment Area, the City adopted Ordinance 2020-01 on February 10, 2020, approving the “Transit Oriented Development District - South Redevelopment Plan” (the “**Redevelopment Plan**”) prepared by Nishuane Group, LLC, originally dated December 19, 2019; and as further amended on: November 5, 2020; August 18, 2022; and January 19, 2023; and

WHEREAS, the Alley is located within the Redevelopment Area and is subject to the Redevelopment Plan, which identifies the Alley as property to be acquired by the redeveloper in connection with the implementation of the Redevelopment Plan; and

WHEREAS, title to the Alley was unclear as there was no recorded instrument showing a clear chain of title to an owner, and efforts to locate the presumed owner were inconclusive; and

WHEREAS, the City entered into a Memorandum of Understanding the (“**MOU**”), dated September 28, 2023, with 306 Watchung LLC, as conditional redeveloper of a portion of the Redevelopment Area, which portion includes the Alley; and

WHEREAS, the MOU established that the City would undertake acquisition of the Alley by use of its power of eminent domain, and by Resolution R 132-24, the City authorized the condemnation of the Alley; and

WHEREAS, on April 11, 2024, the City instituted the following condemnation action, *City of Plainfield v. Catalina A. Pope et al.*, UNN-1371-24, in the Superior Court of New Jersey, Law Division in Union County (the “**Condemnation Action**”); and

WHEREAS, by Order for Judgment entered on May 30, 2024 in the Condemnation Action, the Court entered final judgment that the City was authorized to and had duly exercised its power of eminent domain as to the Alley; and was authorized to deposit the sum of Eight Hundred Twenty Eight Dollars (\$828.00) as just compensation (“**Just Compensation**”); and

WHEREAS, the City acquired title to the Alley by depositing the Just Compensation with the Superior Court and by filing the Declaration of Taking, which Declaration is recorded in Book 6547 Page 256 in the Union County, New Jersey; and

WHEREAS, 306 Watchung LLC (“**Redeveloper**”) is the owner of the majority of the Redevelopment Area, which Area includes the Alley, and on July 8, 2024, the City adopted a resolution designating Redeveloper as redeveloper for the Redevelopment Area and executed a redevelopment agreement with Redeveloper (the “**Redevelopment Agreement**”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-8(g)*, the City is authorized to convey the Alley to Redeveloper upon such terms as it deems reasonable, and as provided for under the Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement provides that the City will convey the Alley to Redeveloper.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLAINFIELD, as follows:

SECTION 1. The City is hereby authorized to convey 153 East 4th Street, Plainfield, New Jersey (Block 840, Lot 4) to 306 Watchung LLC, or its affiliates.

SECTION 2. The Mayor be and is hereby authorized to execute the bargain and sale deed, in the form attached hereto as Exhibit A, and the Mayor is hereby authorized to take all further and necessary steps to effectuate the City’s conveyance of the Alley to Redeveloper.

SECTION 3. The Mayor and Municipal Clerk are hereby authorized to execute any and all instruments and to do all things necessary to effectuate the purposes hereof.

SECTION 4. After all requirements respecting the enactment of this ordinance have been fulfilled the deed shall be recorded in the Office of the Union County Clerk.

SECTION 5. All Ordinances, resolutions, and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed as to the extent of such inconsistency.

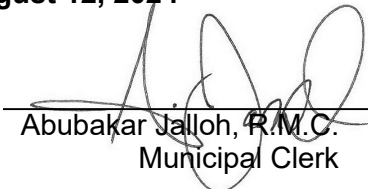
SECTION 6. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect upon final passage and approval in accordance with law.

Exhibit A

ADOPTED BY THE MUNICIPAL COUNCIL

August 12, 2024


Abubakar Jalloh, R.M.C.
Municipal Clerk

CLERK’S CERTIFICATION

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.

Abubakar Jalloh, R.M.C.
Municipal Clerk

✓ Vote Record - Ordinance MC 2024-41						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Richard Wyatt	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Charles McRae	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Steve Hockaday	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Terri Briggs Jones	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Repealed	Robert Graham	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Failed	Julienne Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Vetoed	Darcella Sessomes	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consensus						