

ORDINANCE AMENDING CITY ORDINANCE 01-109 AUTHORIZING THE LEASING OF VACANT LAND AND OPEN SPACE LAND SHOWN TO BE IN NEED OF IMPROVEMENTS TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS FOR PUBLIC PURPOSES IN CONNECTION WITH THE CITY OF JERSEY CITY “ADOPT A LOT” PROGRAM

WHEREAS, the City of Jersey City (“the City”) is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the cultivation or use of vacant lots *and open spaces shown to be in need of improvements* for gardening or recreational purposes pursuant to NJSA 40A:12-14(c) and NJSA 40:A12-15(I); and

WHEREAS, the City is the owner of vacant lots *and open spaces shown to be in need of improvement* located throughout the City; and

WHEREAS, *the City adopted Ordinance 96-123, which was subsequently amended with Ordinance 01-109, authorizing the establishment of an “Adopt A Lot” program,*

WHEREAS, the City desires to ~~create~~ *amend Ordinance 01-109 to update* the “Adopt a Lot” program for the purpose of leasing *vacant lots and open space land shown to be in need of improvements* for gardening and recreational purposes which benefit the public; and

WHEREAS, various non-profit corporations and associations (“Lessees”) have expressed interest in participating in the “Adopt a Lot” programs; and

WHEREAS, the City desires to execute leases with Lessees desiring to participate in the City’s “Adopt a Lot” program; and

WHEREAS, the Lessees shall conform with the material terms and conditions of the sample lease attached hereto; and

WHEREAS, parties interested in participating in the “Adopt a Lot” program shall contact the Directors of the Department of Public Works *and the Division of City Planning*; and

WHEREAS, the Directors of the Department of Public Works *and the Division of City Planning* shall be *jointly* authorized to approve leases with parties who agree to and are able to comply with the terms and conditions of the form of lease agreement for the “Adopt a Lot” programs; and

WHEREAS, the consideration for each lease shall be one dollar (\$1.00) a year and other good and valuable consideration; and

WHEREAS, the lease term shall be for ~~one~~ *two* years subject to the City’s right to terminate the lease at its convenience without cause by providing 90 days prior notice; and

WHEREAS, as a condition of granting these leases the Lessees shall comply with all of the terms and conditions of the form of lease agreement attached hereto. ~~a condition of granting these leases the Lessees shall submit reports to the Director at the time Lessees submit applications to participate in the Adopt a Lot Program, setting out the use to which the leasehold will be put; the activities of the Lessee will undertake in furtherance of the public purpose for which the leasehold is granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and if Lessee is a corporation an affirmation of its tax exempt status as a non-profit corporation or association pursuant to both State and Federal laws.~~

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- 1) *All parties desiring to participate in the “Adopt a Lot” program shall complete and submit an “Adopt a Lot” application, in writing or electronically, to the Director, Department of Public Works with a copy to the Division of City Planning.*
- 2) *The Directors of the Department of Public Works and the Division of City Planning are authorized to jointly approve the application and issue the “Adopt a Lot” lease, and the Division of City Planning is authorized to administer the “Adopt a Lot” program.*
- 3) *For all parties approved for the program, the Business Administrator shall be authorized to execute a lease agreement in substantial compliance with the form of lease agreement attached hereto which contains the minimal terms required under the Local Lands and Buildings Law and the terms and conditions imposed by the City under the “Adopt a Lot” program. At the discretion of the Business Administrator, the City’s Risk Manager, and Corporation Counsel, the lease may also include a provision requiring the City to indemnify and hold harmless a Lessee from any and all claims of personal injury, and property damage arising out of the Lessee’s occupancy and use of the property.*

- ~~1) All parties desiring to participate in the “Adopt a Lot” program shall make a written request to do so and file with the Director, Department of Public Works (“Director”)~~
- ~~2) The Director is authorized to approve the participation in the “Adopt a Lot” program of Lessees able to comply with the terms and conditions of the “Adopt a Lot” lease agreement. The Director shall notify the Manager of the City Office of Real Estate of all parties approved for participation in the program.~~
- ~~3) For all parties approved for the program, the Mayor of Business Administrator shall be authorized to execute lease agreements that are in substantial compliance with the form of lease agreement attached hereto which contains the terms and conditions of the City’s “Adopt a Lot” program. At the discretion of the Business Administrator and Corporation Counsel, the lease may include a provision requiring the City to indemnify and hold harmless a Lessee from any and all claims of personal injury, and property damage arising out of the Lessee’s occupancy and use of the property.~~
- ~~4) Before entering and taking possession of leased premises, Lessee shall notify the Director and then a representative of the Lessee and an employee of the Department of Public Works shall inspect the premises together for the purposes of locating and, if feasible, removing from the premises any dangerous materials. If the Director determines that a dangerous condition exists on the premises that cannot be remedied at a reasonable cost, then the City shall have the right to terminate the lease immediately.~~
- ~~5) The lease term shall begin on the execution date of the lease by the appropriate City officials and shall end one year thereafter with the exception that the City shall have the right to terminate the lease at its convenience without cause by providing 90 days’ prior notice.~~
- ~~6) The consideration for the lease shall be \$1.00 per annum and such other good and valuable consideration benefitting the public at large.~~
- ~~7) The award of lease shall be subject to submission of reports to the Director at the time Lessees submit applications to participate in the Adopt a Lot Program setting out the use to which the leasehold will be put the activities that the Lessee will undertake in furtherance of a public purpose for which the leasehold is granted and the approximate value or cost, if any, of such activities in furtherance of such purpose and if Lessee is a corporation said report shall contain an affirmation of the Lessee’s tax exempt status as a non-profit corporation pursuant to the both State and Federal Laws.~~
- ~~8) The Department of Public Works shall be responsible for enforcement of all terms and conditions of the lease.~~
- ~~9) If corporate charter of a non-profit corporation is revoked during the term of the lease, or if a non-profit corporation or an association ceases to use the property for gardening or recreational purposes which benefit the public, then the lease agreement may be cancelled by the City by providing 10 days written notice.~~
- ~~10) Lessee shall construct no permanent improvements on the property. This prohibition includes but is not limited to paving the property with concrete, asphalt or other materials. In the event that the lease must be terminated, Lessee must remove all temporary improvements installed on the property by the Lessee at its own cost and expense. The City shall not be responsible for the cost of removing Lessee’s temporary improvements.~~

NOTE:

Material indicated by strikethrough like this is existing material that is intended to be deleted.

Material indicated by bold italic *like this* is new material intended to be enacted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, AICP, PP, Director
Division of City Planning