

City Clerk File No. Ord. 16.065

Agenda No. 3.F 1st Reading

Agenda No. 4.E. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.065

TITLE:

**AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO RENEW THE LEASE WITH RIVERVIEW COMMUNITY GARDEN FOR THE USE OF BLOCK 3002, LOT 2, MORE COMMONLY KNOWN AS 285 OGDEN AVENUE, FOR A COMMUNITY GARDEN**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City ("the City") is a Municipal Corporation of the State of New Jersey, with offices located at City Hall, 280 Grove Street in Jersey City; and

**WHEREAS**, the City is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant lots and open spaces for gardening or recreation purposes pursuant to N.J.S.A. 40 A:12-14(c) and N.J.S.A. 40 A:12-15(j); and

**WHEREAS**, the City adopted Ordinance 96-123, subsequently amended by Ordinances 01-109 and 11-019, which authorized the establishment of an "Adopt A Lot" Program; and

**WHEREAS**, the City owns Block 3002, Lot 2 on the official tax map of the City and which is more commonly known as 285 Ogden Avenue; and

**WHEREAS**, the Riverview Community Garden is a 501(c)(3) non-profit corporation with offices located at 30 Zabriskie Street in Jersey City and which has been leasing Block 3002, Lot 2 from the City pursuant to the City's "Adopt A Lot Program" in order to use the lot for a community garden; and

**WHEREAS**, the Riverview Community Garden's lease is set to expire on April 30, 2016; and

**WHEREAS**, the Riverview Community Garden wishes to extend the lease for another one (1) year term in order to continue operating a community garden at 285 Ogden Avenue pursuant to the City's "Adopt A Lot Program"; and

**WHEREAS**, the Riverview Community Garden ("the Lessee") understand that the properties leased to non-profit corporations or associations participating in the City's "Adopt a Lot" program are to be used for gardening and for no other purpose whatsoever; and in particular may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises; and

**WHEREAS**, the Lessee also understands that it must submit an annual report to the officer, employee or agency designated by the governing body, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

**AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO RENEW THE LEASE WITH RIVERVIEW COMMUNITY GARDEN FOR THE USE OF BLOCK 3002, LOT 2, MORE COMMONLY KNOWN AS 285 OGDEN AVENUE, FOR A COMMUNITY GARDEN**

**WHEREAS**, the lease term will be for one (1) year beginning as of May 1, 2016 and ending April 30, 2017 subject to the City's right to terminate the lease at its convenience without cause by providing ninety (90) days prior notice; and

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

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

1. The Business Administrator is hereby authorized to execute a lease of Block 3002, Lot 2 on the official tax map of the City and more commonly known as 285 Ogden Avenue, with the Riverview Community Garden for the purpose of creating a community garden thereon through the City's "Adopt A Lot Program".
  2. The term of the Lease Agreement shall be one (1) year commencing as of May 1, 2016 and terminating on April 30, 2017 one dollar (\$1.00) a year.
  3. The form of the Lease is attached hereto as Exhibit "A" and shall be subject to any such modification as may be deemed necessary or appropriate by the Corporation Counsel or Business Administrator.
- A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
  - B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City 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 Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

**Note:** All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 4/3/16

APPROVED AS TO LEGAL FORM

Joanne Monahan  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

[Signature]  
Business Administrator

Certification Required   
Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO RENEW THE LEASE WITH RIVERVIEW COMMUNITY GARDEN FOR THE USE OF BLOCK 3002, LOT 2, MORE COMMONLY KNOWN AS 285 OGDEN AVENUE, FOR A COMMUNITY GARDEN**

**Initiator**

Department/Division	Health & Human Services	Office of the Director
Name/Title	Stacey L. Flanagan	Director
Phone/email	201-547-6800	sflanagan@jcnj.org

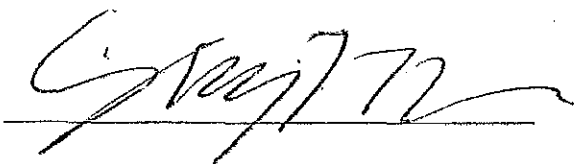
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

This Ordinance authorizes the City to renew the lease of 285 Ogden Avenue with Riverview Community Garden, a 501(c)(3) non-profit organization, for an additional year to continue using the lot for a community garden.

The Lessee understands that the property is to be used for gardening and for no other purpose whatsoever and may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises. The Lessee also understands that it must submit an annual report to the Department of Health & Human Services, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law.

I certify that all the facts presented herein are accurate.



March 28, 2016  
Date

Stacey L. Flanagan  
Director  
Department of Health & Human Services

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.065  
 TITLE: 3.F APR 13 2016-4.E **APR 27 2016**

An ordinance authorizing the City of Jersey City to renew the lease with Riverview Community Garden for the use of Block 3002, Lot 2, more commonly known as 285 Ogden Avenue, for a Community Garden.

RECORD OF COUNCIL VOTE ON INTRODUCTION <b>APR 13 2016 9-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <b>APR 27 2016 8-0</b>											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <b>APR 27 2016 8-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **APR 13 2016**

Adopted on second and final reading after hearing on **APR 27 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **APR 27 2016**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **APR 27 2016**

APPROVED:

Steven M. Fulop, Mayor

Date **APR 29 2016**

Date to Mayor **APR 28 2016**

\*Amendment(s):