

**Torres Rojas, Genara**

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FOI # 14770

**From:** dporter@ap.org  
**Sent:** Tuesday, March 18, 2014 10:39 AM  
**To:** Duffy, Daniel  
**Cc:** Torres Rojas, Genara; Van Duyne, Sheree; American, Heavyn-Leigh  
**Subject:** Freedom of Information Online Request Form

Information:

First Name: David  
Last Name: Porter  
Company: Associated Press  
Mailing Address 1: 50 Park Place  
Mailing Address 2: Suite 800  
City: Newark  
State: NJ  
Zip Code: 07102  
Email Address: [dporter@ap.org](mailto:dporter@ap.org)  
Phone: 9736420151  
Required copies of the records: Yes

List of specific record(s):

All records pertaining to a grant from the Port Authority for the purchase of 12.33 acres at the intersection of Raymond Boulevard and Brill Street, Newark, including, but not limited to, committee and/or board authorization for the grant.

**THE PORT AUTHORITY OF NY & NJ**

*FOI Administrator*

March 31, 2014

Mr. David Porter  
Associated Press  
50 Park Place, Suite 800  
Newark, NJ 07102

Re: Freedom of Information Reference No. 14770

Dear Mr. Porter:

This is in response to your March 18, 2014 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code") for copies of "All records pertaining to a grant from the Port Authority for the purchase of 12.33 acres at the intersection of Raymond Boulevard and Brill Street, Newark, including, but not limited to, committee and/or board authorization for the grant."

Material responsive to your request and available under the Code can be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/14770-O.pdf>. Paper copies of the available records are available upon request.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Daniel D. Duffy  
FOI Administrator

*225 Park Avenue South, 17th Floor  
New York, NY 10003  
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**HUDSON-RARITAN ESTUARY RESOURCES PROGRAM – AMENDMENT OF MEMORANDUM OF AGREEMENT WITH ESSEX COUNTY, NEW JERSEY FOR THE ACQUISITION OF LAND FOR THE “RIVERBANK PARK EXTENSION” IN NEWARK, NEW JERSEY**

It was recommended that the Committee on Operations (Committee) authorize the Executive Director to enter into an amendment of the existing Memorandum of Agreement (MOA) with Essex County, New Jersey (the County), in order to increase by \$660,000 the maximum amount that the Port Authority is to provide to the County to fund the County’s cost to acquire, through condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New Jersey (Property), for inclusion in the Hudson-Raritan Estuary Resources Program (Program).

At its meeting of July 23, 2009, the Committee authorized the Executive Director to enter into the MOA with the County, pursuant to which the Port Authority is to provide the County with an amount not to exceed \$7 million toward the cost of the County’s acquisition of the Property. Subsequently, the County initiated proceedings in the Superior Court of New Jersey to acquire the Property via condemnation. In connection with those condemnation proceedings, it was necessary for the County to submit an updated appraisal for each of the three parcels comprising the Property, which appraisal valued the Property at \$7,660,000, as of October 30, 2009. The County’s updated appraisal included analysis of a recent sale of a comparable piece of property in the vicinity, which had not been considered in connection with the earlier appraisal of the Property. That new transaction was considered essential in appraising the market value of the Property, because it was the most recent transaction analyzed, and the property involved in that transaction also contained frontage along the Passaic River in Newark and was similar in size to the Property. Based on the updated appraisal and the order issued by the court in the condemnation proceeding, the total amount of Port Authority funding needed by the County in order to acquire the Property via condemnation is \$7,660,000, which is in excess of the amount previously authorized by the Committee.

The other material terms of the MOA would remain the same.

Pursuant to the foregoing report, the following resolution was adopted by the Committee with Commissioners Coscia, Holmes, Silverman and Steiner voting in favor; none against; Commissioner Bauer recused:

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into an amendment of the existing Memorandum of Agreement with Essex County, New Jersey (County) pursuant to which the maximum amount that the Port Authority will provide the County will increase, from \$7,000,000 to \$7,660,000, representing the cost for the County to acquire, through condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New Jersey for inclusion in the Port Authority’s Hudson-Raritan Estuary Resources Program; and it is further

**RESOLVED**, that the form of the foregoing amendment shall be subject to the approval of General Counsel or his authorized representative.

**HUDSON-RARITAN ESTUARY RESOURCES PROGRAM – MEMORANDUM OF AGREEMENT WITH ESSEX COUNTY, NEW JERSEY FOR THE ACQUISITION OF LAND FOR THE “RIVERBANK PARK EXTENSION” IN NEWARK, NEW JERSEY**

It was recommended that the Committee on Operations (Committee) authorize the Executive Director to enter into a Memorandum of Agreement (MOA) with Essex County, New Jersey (the County) pursuant to which the Port Authority would provide an amount not to exceed \$7 million to the County to fund a portion of the County’s cost to acquire, through good faith negotiations or condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New Jersey (Property), for inclusion in the Hudson-Raritan Estuary Resources Program (Program). Funding by the Port Authority would be subject to the grant of a perpetual encumbrance with respect to the Property for the benefit of the Port Authority, created in a manner satisfactory to the Port Authority.

On July 26, 2001, the Board authorized the Executive Director and/or General Counsel, either one acting individually, to acquire, for and on behalf of the Port Authority, one or more sites in New York and New Jersey in the Port District areas of the Hudson-Raritan Estuary that may be identified by Port Authority staff as suitable for conservation, ecological enhancement, public access or environmental mitigation in support of Port Redevelopment, Economic Development and other Port Authority Capital Programs, in each case, with the final details of the acquisition to be presented to the Committee for approval prior to the acquisition. At the November 21, 2002 meeting of the Board, the Program was certified as a Port Authority facility.

The Property has been identified as suitable for conservation acquisition and public access. Acquisition of this site would advance the goals of the Program and the Port Authority’s Capital Investment Plan Sustainability goal of protecting 50 acres of land per year from development. The acquired property would be included in the Program facility.

The MOA with the County would provide for the Port Authority to partially fund the County’s acquisition of the Property, through good faith negotiations or condemnation, in an amount not to exceed \$7 million, with any additional acquisition cost to be provided by the County and other sources. Under the MOA, the County would acquire fee title to, and would be the record owner of, the Property. As a condition of funding by the Port Authority, the deed conveying the Property to the County would be subject to a perpetual encumbrance for the benefit of the Port Authority in a manner satisfactory to the Port Authority, either through a conservation easement or through restrictive use covenants for the benefit of the Port Authority. The County intends to develop the site for public recreation and waterfront access, to be known as “Riverbank Park Extension.” The Port Authority would have no obligation to provide any funds for environmental cleanup, should any be required.

Pursuant to the foregoing report, the following resolution was adopted by the Committee with Commissioners Coscia, Holmes, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a Memorandum of Agreement with Essex County, New Jersey (County) pursuant to which the Port Authority will provide the County with an amount not to exceed \$7 million, representing a portion of the cost for the County to acquire, through good faith negotiations or condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New Jersey for inclusion in the Port Authority's Hudson-Raritan Estuary Resources Program, and such other related agreements as may be necessary in connection therewith, substantially in accordance with the terms and conditions outlined to the Committee; and it is further

**RESOLVED**, that the form of the foregoing agreements shall be subject to the approval of General Counsel or his authorized representative.

**HUDSON-RARITAN ESTUARY RESOURCES PROGRAM – AMENDMENT OF MEMORANDUM OF AGREEMENT WITH ESSEX COUNTY, NEW JERSEY FOR THE ACQUISITION OF LAND FOR THE RIVERBANK PARK EXTENSION IN NEWARK, NEW JERSEY**

It was recommended that the Committee on Operations (Committee) authorize the Executive Director to enter into an amendment of the existing Memorandum of Agreement (MOA) with Essex County, New Jersey (the County), as amended previously, in order to increase by \$1.3 million the maximum amount that the Port Authority is to provide to the County to fund the County's cost to acquire, through condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New Jersey (Property), for inclusion in the Hudson-Raritan Estuary Resources Program (Program).

At its meeting of July 23, 2009, the Committee authorized the Executive Director to enter into the MOA with the County, pursuant to which the Port Authority would provide the County with an amount not to exceed \$7 million toward the cost of the County's acquisition of the Property. Subsequently, the County initiated proceedings in the Superior Court of New Jersey to acquire the Property via condemnation. In connection with those condemnation proceedings, it was necessary for the County to submit an updated appraisal for each of the three parcels comprising the Property, which appraisal valued the Property at \$7.66 million, as of October 30, 2009. Therefore, at its meeting of May 18, 2010, the Committee authorized the Executive Director to enter into an amendment of the MOA pursuant to which the maximum amount that the Port Authority would provide the County toward the cost of acquiring the Property was increased from \$7 million to \$7.66 million.

Subsequently, the court overseeing the condemnation proceedings awarded the owners of the Property a total of \$8.96 million for the County's acquisition of the Property. The County has requested that the Port Authority provide an additional \$1.3 million toward the cost of acquiring the Property, to offset the difference between the \$7.66 million authorized by the Committee in May 2010 and the \$8.96 million awarded by the Court.

The other material terms of the MOA would remain the same.

Pursuant to the foregoing report, the Committee adopted the following resolution, with Commissioners Rechler, Rubin and Samson voting in favor; Commissioner Sartor recused and did not participate in the consideration of, or vote on, this item. General Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Committee being present.

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into an amendment of the existing Memorandum of Agreement with Essex County, New Jersey (County), as amended previously, pursuant to which the maximum amount that the Port Authority will provide the County will increase, from \$7.66 million to \$8.96 million, representing the cost for the County to acquire, through condemnation, three properties totaling approximately 12.25 acres of real property located to the north of the intersection of Raymond Boulevard and Brill Street and south of the Passaic River in Newark, New

Jersey for inclusion in the Port Authority's Hudson-Raritan Estuary Resources Program; and it is further

**RESOLVED**, that the form of the foregoing amendment shall be subject to the approval of General Counsel or his authorized representative.