



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-106

TITLE: AN ORDINANCE DEDICATING THAT THE INTERSECTION OF
GRAND STREET AND LUIS MARIN BOULEVARD ALSO BE KNOWN AS

Susan Stavar's Corner

Council as a whole, offered and moved adoption of the following ordinance:

WHEREAS, Susan Stavar was born on December 23, 1958 to Paul and Mildred Stavar in Jersey City, New Jersey; and

WHEREAS, Susan Stavar lived in various locations throughout Jersey City settling on Bramhall Avenue where she raised her children; and

WHEREAS, Susan Stavar was employed by the Jersey City Police Department as a school traffic guard for nine years; and

WHEREAS, Susan Stavar was a constant presence at the intersection of Grand Street and Luis Marin Boulevard. Susan greeted everyone with a winning smile. She knew everyone in the neighborhood, calling all of the children and dogs by their names. Susan joked often but took her position seriously and was very protective of her young charges; and

WHEREAS, Susan Stavar was one year away from retiring when she departed this life on August 22, 2009 at the tender age of 50. She led a short life, but her memory shall live on through her beloved family and friends; and

WHEREAS, surviving to cherish Susan's precious memory are her loving children, Raymond, Joseph and Catherine Kozar; beloved parents; Paul and Mildred Stavar; a dear brother, Paul Stavar; cherished fiancé, Michael J. Harrison; and a host of nieces, nephews and other loving relatives and friends.

NOW, THEREFORE, BE IT ORDAINED, that the Municipal Council of the City of Jersey does hereby wish to honor the memory of Susan Stavar and her commitment to the residents of our city. We dedicate that the intersection of Grand Street and Luis Marin Boulevard also be known as Susan Stavar's Corner.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 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 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 accidental repealers of existing provisions.

C:\WPDOCS\TOLONDA\RESOS\RENAME\Susan Stavar's Corner.wpd

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

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

ORDINANCE NO. _____

Ord. 09-106

TITLE: _____

3.A. OCT 14 2009

4.A. OCT 28 2009



An ordinance dedicating that the intersection of Grand Street and Luis Marin Boulevard also be known as Susan Stavar's Corner.

RECORD OF COUNCIL VOTE ON INTRODUCTION OCT 14 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
				FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING OCT 28 2009 9-0											
Councilperson GAUGHAN				moved, seconded by Councilperson SOTTOLANO				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote **LINDA REAGAN**

N.V.-Not Voting (Abstain)

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.
SOTTOLANO				GAUGHAN				BRENNAN			
Donnelly				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE OCT 28 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on OCT 14 2009

Adopted on second and final reading after hearing on OCT 28 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 28 2009

Robert Byrne, City Clerk

APPROVED:

Peter M. Brennan, Council President

Date: OCT 28 2009

APPROVED:

Jerramiah T. Healy, Mayor

Date: 11/2/09

Date to Mayor OCT 29 2009

*Amendment(s): _____

City Clerk File No. Ord. 09-107

Agenda No. 3.B 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-107

TITLE:

A Franchise Ordinance Granting Permission to Johanna Garcia, Her Successors and Assigns, to Install and Maintain Steps along the North Side of Baldwin Avenue as Set Forth in Schedule with the Proposed Franchise Area Adjoining Baldwin Avenue Lot: 20.02 in Block: 519

WHEREAS, Johanna Garcia (hereinafter the "Petitioner") as the owner of parcel of property set forth herein, has filed a Petition with the Municipal Council of the City of Jersey City, requesting a franchise within the Franchise Area shown on the survey prepared by Behar Surveying said Petition, plan, survey and legal description of the Franchise Area being on file in the office of the Clerk of the City of Jersey City; and

WHEREAS, the Petitioner will construct a three-story home at 239-241 Baldwin Avenue which will include steps that will encroach 3½ feet onto the adjoining sidewalk along the north side of Baldwin Avenue; and

WHEREAS, the steps are required to provide entrance to the building; and

WHEREAS, the Petitioner has represented that the steps are necessary for ingress and egress to and from the building for residents and invitees; and

WHEREAS, the public interest will be served by this Franchise as it will advance the public safety, convenience and welfare; and

WHEREAS, after due notice was given in accordance with the statute, a public hearing was held on the Petition filed by the Petitioner, to install the steps upon the Franchise Area as previously described herein; and

WHEREAS, the Petitioner has made application to the Municipal Council of the City of Jersey City.

NOW THEREFORE, BE IT ORDAINED by the MUNICIPAL COUNCIL OF THE CITY of Jersey City that:

SECTION 1: All "WHEREAS" clauses are acknowledged and confirm as if set forth herein at length.

SECTION 2: Permission is granted to Petitioner, her heirs, successors and assigns, to install steps on the north side of Baldwin Avenue for the purpose of safe ingress and egress to and from the building located 239-241 Baldwin Avenue within the Franchise Area described in the metes and bounds description attached hereto as Exhibit A.

SECTION 3: All of the work involved in the installation of the steps shall be done under the supervision of the proper departments of the City of Jersey City. All work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction.

SECTION 4: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. The City of Jersey City reserves the right to cancel this Ordinance without cause by giving written notice to the Petitioner one year prior to date of cancellation.

SECTION 5: This Franchise Ordinance shall be subject to the following conditions:

A Franchise Ordinance Granting Permission to Johanna Garcia, Her Successors and Assigns, to Install and Maintain Steps along the North Side of Baldwin Avenue as Set Forth in Schedule with the Proposed Franchise Area Adjoining Baldwin Avenue Garcia Lot: 20.02 in Block: 519

- a. An easement upon the Franchise Area is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's or public utility companies' use or operation of water, sewer, or utility lines.
- b. No building or structure of any kind may be constructed over the water, sewer or other utilities within the area subject to this Franchise without the consent of the Chief Engineer of the City of Jersey City.

SECTION 6: Only with prior written consent and approval by the Municipal Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION 7: In accepting the privileges under this Ordinance and in the maintenance and use herein authorized Johanna Garcia its successors and assigns, shall agree to assume full, complete, and undivided responsibility for any and all injury and damage to persons or property by reason of such maintenance and use therefore and to hold the City of Jersey City harmless therefrom. Johanna Garcia its successors and assigns, shall maintain in effect during the term of the franchise, liability insurance naming the City of Jersey City, its officers and employees as insured, covering the use and occupancy of the public property subject to (this Franchise. A Certificate of Insurance in the amount of \$1,000,000 in a form deemed acceptable by City's Risk Manager shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION 8: After construction, there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. The Petitioner, and its successors and assigns, shall maintain all improvements installed by it for the entire term of the Franchise at no cost or expense to the City of Jersey City.

SECTION 9. This Ordinance shall not become effective unless an acceptance hereof in writing shall be filed by the Petitioner.

SECTION 10: In the event that the Petitioner shall not file with the City of Jersey City its acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after reviewing notice of its passage, this Ordinance shall become void and be of no effect.

SECTION 11: For the Franchise herein granted, the Petitioner shall pay annually to the City of Jersey City, the sum of ONE DOLLAR (\$1.00) which payment shall be made in advance to the City Treasurer at his/her office at City Hall on the first day of January of each year after this Ordinance becomes effective and remains in force.

SECTION 12: All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 13: This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

SECTION 14: This Ordinance shall take effect at the time and in the manner as provided by law.

SECTION 15: The City Clerk and Corporation Counsel 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 accidental repeals of existing provisions.

G:\WPDOCS\TOLONDA\Franchise Ordinance Correspondence\239 Baldwin Avenue\239-241 Baldwin Avenue.wpd

APPROVED AS TO LEGAL FORM

Joyanne Monahan
Corporation Counsel

APPROVED: _____

APPROVED: [Signature]
Business Administrator

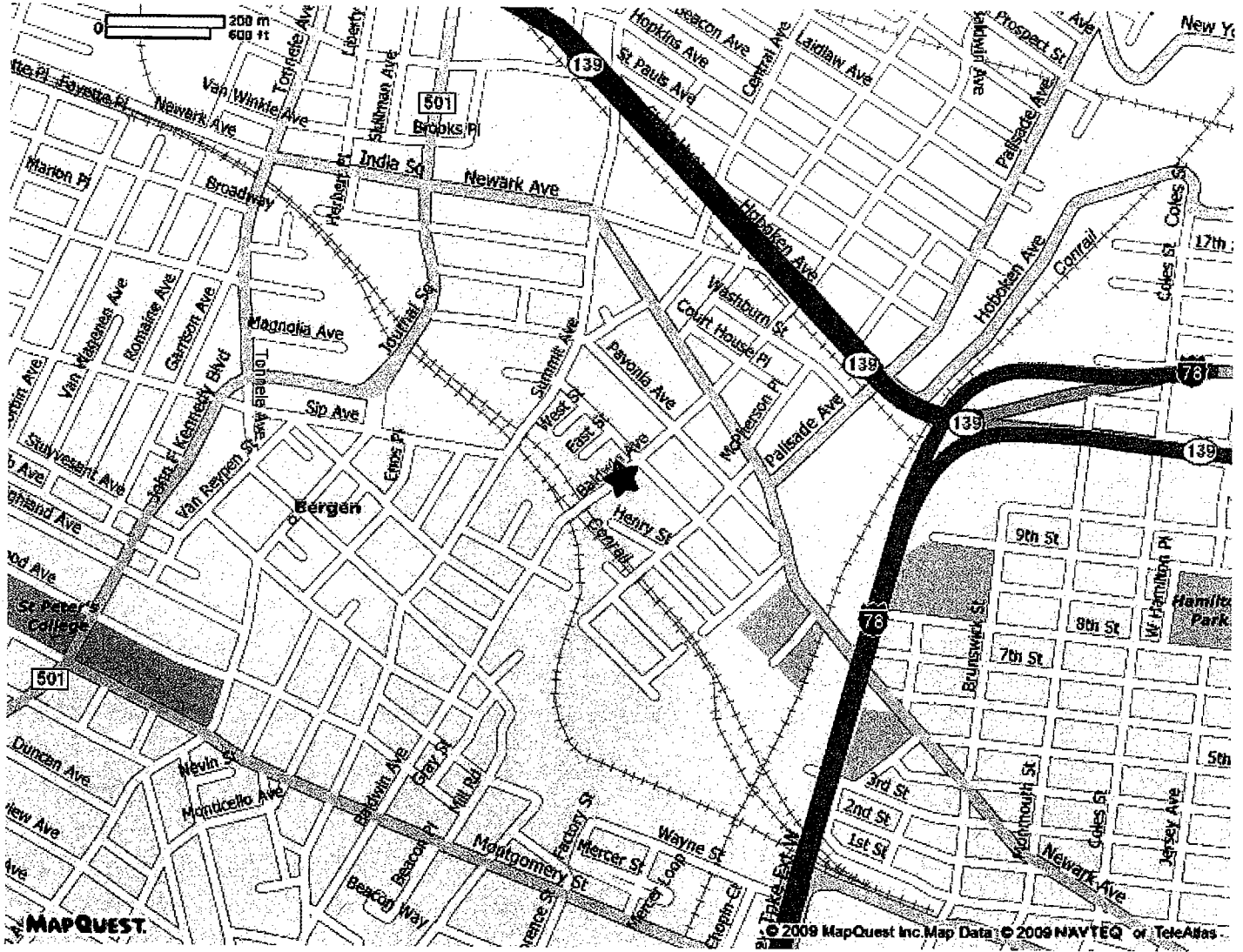
Certification Required
Not Required



Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.



★ 239 Baldwin Ave [Edit](#)
Jersey City, NJ 07306-1816



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GENERAL NOTES

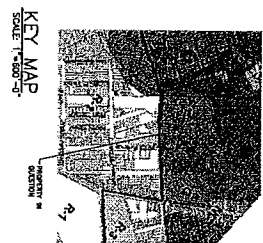
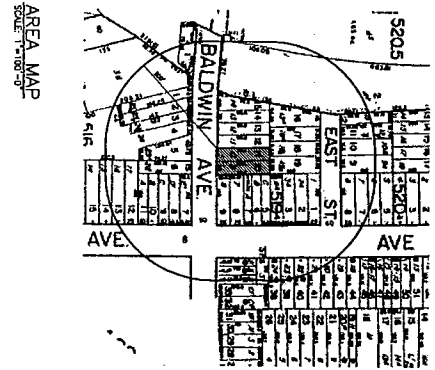
1. THIS SUBDIVISION IS A PART OF THE UNINCORPORATED TOWN OF HUNTSVILLE, NEW JERSEY, AND IS SUBJECT TO THE HUNTSVILLE ZONING ORDINANCES AND THE HUNTSVILLE PLANNING BOARD RESOLUTIONS AND ORDINANCES.
2. THE LOTS ARE TO BE CONVEYED TO THE HUNTSVILLE PLANNING BOARD FOR THE PURPOSES OF THE HUNTSVILLE ZONING ORDINANCES AND THE HUNTSVILLE PLANNING BOARD RESOLUTIONS AND ORDINANCES.
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4. THE LOTS ARE TO BE CONVEYED TO THE HUNTSVILLE PLANNING BOARD FOR THE PURPOSES OF THE HUNTSVILLE ZONING ORDINANCES AND THE HUNTSVILLE PLANNING BOARD RESOLUTIONS AND ORDINANCES.

LEGAL DESCRIPTION

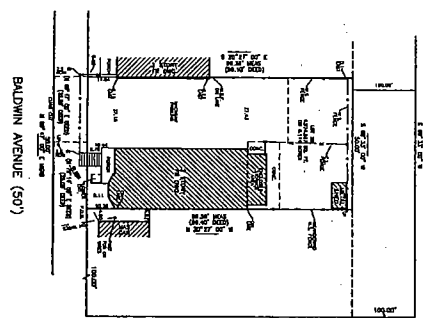
BEING A PART OF THE UNINCORPORATED TOWN OF HUNTSVILLE, NEW JERSEY, AND IS SUBJECT TO THE HUNTSVILLE ZONING ORDINANCES AND THE HUNTSVILLE PLANNING BOARD RESOLUTIONS AND ORDINANCES.

LOT DATA

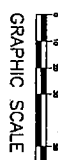
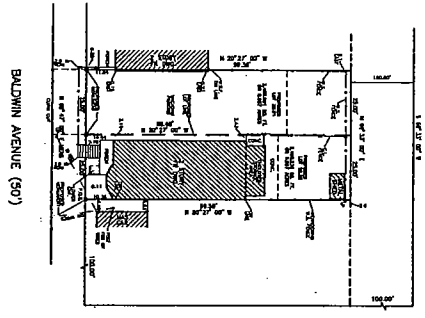
1. 1. 27' 0" x 60' 0"
2. 1. 27' 0" x 60' 0"
3. 1. 27' 0" x 60' 0"
4. 1. 27' 0" x 60' 0"



BEFORE SUBDIVISION



AFTER SUBDIVISION



THIS SUBDIVISION IS SUBJECT TO THE HUNTSVILLE ZONING ORDINANCES AND THE HUNTSVILLE PLANNING BOARD RESOLUTIONS AND ORDINANCES.

THE SUBDIVISION WAS APPROVED BY THE PLANNING BOARD OF HUNTSVILLE, NEW JERSEY, ON THE _____ DAY OF _____, 1971.

PROPOSED SUBDIVISION
 241 BALDWIN AVENUE
 TAX LOT 20
 BLOCK 519
 CITY OF JERSEY CITY
 HUDSON COUNTY, NEW JERSEY
 DATE: 8 MARCH 1971
BEAR SURVEYING ASSOCIATES, P.C.
 LAND SURVEYING AND PLANNING
 81 LOWER LANE, NEW JERSEY 07073
 PH: 875-775-5015 FAX: 875-775-0277
 1971

WILLIAM B. KLAPHER
 PROFESSIONAL LAND SURVEYOR
 IN THE STATE OF NEW JERSEY
 NO. 1419

OWNER / APPLICANT:

PREPARED BY:

DATE:

SCALE:

THE ENGINEER, HAVING ADVISED BY THE TITLE OF THE PROPERTY COVERED BY THIS SUBDIVISION AND THE RESOURCES OF HUNTSVILLE COUNTY, NEW JERSEY, HAS CONDUCTED A SURVEY OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS SUBJECT TO THE HUNTSVILLE ZONING ORDINANCES AND THE HUNTSVILLE PLANNING BOARD RESOLUTIONS AND ORDINANCES.

DATE:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PROPOSED MONUMENT TO BE SET:

PETITION

Johanna Garcia, hereinafter referred to as "Petitioner", hereby petitions the Municipal Council of the City of Jersey City for permission to allow an encroachment along the city right of way on the north side of Baldwin Avenue for front steps for egress and ingress into 239 Baldwin Avenue.

WHEREAS: Petitioner is constructing a three-unit building on Block: 519 Lot: 20.02 aka 239 Baldwin Avenue in the City of Jersey City; and

WHEREAS: The property's steps will encroach approximately 3 ½ feet on the north side of Baldwin Avenue and will be used for egress and ingress into the building; and

WHEREAS: The steps will encroach upon the City's right of way along the north side of Baldwin Avenue.; and

WHEREAS: The public interest will be served in that individuals entering and exiting the building will have a safe area to traverse.

NOWHEREFORE: Petitioner requests the Municipal Council to grant said Franchise.



JOHANNA GARCIA

Lot 20.02, Block 519
City of Jersey City
Hudson County

Beginning at a point on the northerly line of Baldwin Avenue (50' Wide), said point being distant 115.00' westerly from the corner formed by the intersection of the westerly line of Magnolia Avenue (60' Wide) and the said line of Baldwin Avenue, running thence;

1. S 20° 27' 00" E 3.50', to a point, thence;
2. S 69° 47' 00" W 6.00' to a point, thence;
3. N 20° 27' 00" W 3.50', to a point, thence;
4. N 69° 47' 00" E 6.00', to the point and place of beginning.

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

ORDINANCE NO. Ord. 09-107
3.B. OCT 14 2009 **4.B. OCT 28 2009**
 TITLE:



A franchise ordinance granting permission to Johanna Garcia, her successors and assigns, to install and maintain steps along the north side of Baldwin Avenue as set forth in schedule with the proposed franchise area adjoining Baldwin Avenue, Lot 20.02 in Block 519

RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 14 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
				FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 28 2009 9-0											
Councilperson <u>BRENNAN</u>				moved, seconded by Councilperson <u>GAUGHAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

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.
SOTTOLANO				GAUGHAN				BRENNAN			
Donnelly				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

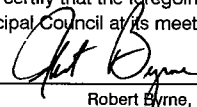
✓ Indicates Vote N.V.-Not Voting (Abstain)


RECORD OF FINAL COUNCIL VOTE											
OCT 28 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

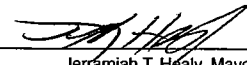
Adopted on first reading of the Council of Jersey City, N.J. on OCT 14 2009
 Adopted on second and final reading after hearing on OCT 28 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 28 2009


 Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan, Council President

*Amendment(s):

Date: OCT 28 2009
 APPROVED:

 Jerramiah T. Healy, Mayor

Date: 11/2/09

Date to Mayor OCT 29 2009

City Clerk File No. Ord. 09-108

Agenda No. 3.C 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-108

TITLE:

ORDINANCE AUTHORIZING THE ACQUISITION FROM THE JERSEY CITY REDEVELOPMENT AGENCY OF BLOCK 1328, LOTS 1.D, 1.E, 1.F, 1.G, 11.F, 11.H, 11.K, AND 11.L WITHIN THE MARTIN LUTHER KING DRIVE REDEVELOPMENT AREA

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

WHEREAS, the Jersey City Redevelopment Agency (JCRA) is the owner of certain lands designated on Jersey City's official Tax Assessment Map as Block 1328, Lots 1.D, 1.E, 1.F, 1.G, 11.F, 11.H, 11.K and 11.L also known as 137, 139, 141, 143, 145, 143.5, 147, and 149 Martin Luther King Drive (Property) located within the Martin Luther King Drive redevelopment area; and

WHEREAS, the Property was acquired by the JCRA to construct a parking lot in the vicinity of the Mary McCloud Bethune Life Center; and

WHEREAS, the construction of the parking lot has been completed; and

WHEREAS, the JCRA desires to convey title to the Property to the City of Jersey City (City) which will maintain the parking lot and use it in connection with the Mary McCloud Bethune Life Center; and

WHEREAS, the JCRA is authorized to convey the property to the City pursuant to N.J.S.A. 40A:12A-8 and 22; and

WHEREAS, the City is authorized to acquire property from the JCRA with or without consideration pursuant to N.J.S.A. 40A:12A-39(a) and N.J.S.A. 40A:12-13(b)(1).

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

1. The acquisition of certain lands designated on Jersey City's official Tax Assessment Map as Block 1328, Lots 1.D, 1.E, 1.F, 1.G, 11.F, 11.H, 11.K and 11.L within the Martin Luther King Drive Redevelopment Plan area from the Jersey City Redevelopment Agency is hereby approved.
2. The Business Administrator is authorized to accept a Deed from the Jersey City Redevelopment Agency and execute any documents deemed necessary or appropriate by Corporation Counsel to effectuate the acquisition of the Property from the Jersey City Redevelopment Agency.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

2009105

B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. 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.

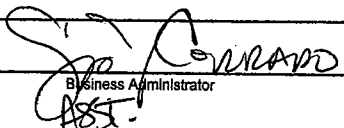
D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

RR/cw

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____
APPROVED: 

Business Administrator

Certification Required
Not Required

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

ORDINANCE NO. Ord. 09-108
3.C. OCT 14 2009 4.C. OCT 28 2009
 TITLE:



Ordinance authorizing the acquisition from the Jersey City Redevelopment Agency of Block 1328, Lots 1.D, 1.E, 1.F, 1.G, 11.F, 11.H, 11.K and 11.L within the Martin Luther King Drive Redevelopment Area.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 14 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
				FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 28 2009 9-0											
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>GAUGHAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

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.
SOTTOLANO				GAUGHAN				BRENNAN			
Donnelly				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
OCT 28 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on OCT 14 2009
 Adopted on second and final reading after hearing on OCT 28 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 28 2009

Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan, Council President

*Amendment(s):

Date: OCT 28 2009
 APPROVED:

Jerramiah T. Healy, Mayor

Date 11/2/09

Date to Mayor OCT 29 2009



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-110

TITLE:

Ordinance by the Municipal Council of the City of Jersey City vacating a portion of 17th Street

WHEREAS, the City of Jersey City (the "City") does possess rights-of-way through all public streets, thoroughfares and sidewalks located within the City; and

WHEREAS, the City is authorized pursuant to N.J.S.A. 40:67-1 et seq. and N.J.S.A. 40-A:12-5 to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the City; and

WHEREAS, 110 HOBOKEN AVENUE REDEVELOPMENT URBAN RENEWAL CO., LLC, a New Jersey limited liability company ("Petitioner") has filed a petition with the Municipal Council of the City of Jersey City requesting the vacation of a portion of 17th Street, which parcel is more particularly described by the metes and bound description and is also depicted on Exhibit A attached hereto; and

WHEREAS, 17th Street is located within the City of Jersey City, County of Hudson, State of New Jersey; and

WHEREAS, there is no municipal or public need for the portion of 17th Street and the Petitioner now desires this portion of 17th Street to be vacated; and

WHEREAS, the area being vacated is no longer necessary for the general public use, and the rights of the public will not be injuriously or adversely affected by the requested vacation, and such vacation advances the public safety and welfare and will allow the development of underused land in the Jersey Avenue Redevelopment Area; and

WHEREAS, the City is authorized to vacate that portion of 17th Street set forth in Exhibit "A"; and

WHEREAS, the Petitioner owns the property located on the adjacent lots and received major subdivision approval from the Jersey City Planning Board on June 13, 2006, and pursuant to the resolution of approval, dated January 23, 2007, the Petitioner is required to obtain a vacation of a portion of the 17th Street right of way, which is identified on the final subdivision plat for Van Leer Place South, located near intersection of Hoboken Avenue and Monmouth Street (the "Property"); and

WHEREAS, the dedication portion of 17th Street to be vacated is a "paper dedicated street" and not an active public right-of-way; and

WHEREAS, the dedication was a marginal dedication of real property owned by Petitioner; and

WHEREAS, the Municipal Engineer and Municipal Traffic Engineer have reviewed and approved the proposed vacation of this portion of 17th Street; and

WHEREAS, the vacated portion of 17th Street will merge with new lot PL-1, Block 402; and

WHEREAS, said Petition has been duly advertised and proof of the giving of due notice of the Petition requesting enactment of this ordinance as required by law has been filed with the City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto; and

Ordinance by the Municipal Council of the City of Jersey City vacating a portion of 17th Street

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

Section I: All parts or portions of 17th Street, which is graphically depicted on Exhibit A, be and the same are hereby vacated and included as part of new Block 402, Lot PL-1, and the public easement and rights therein be and the same are hereby extinguished, which parts of the aforesaid street are more particularly described in the metes and bounds descriptions contained in Exhibit "A" to this Ordinance, which is incorporated herein by reference.

Section II: All costs and expenses related to the introduction, passage and publication of this Ordinance, including the preparation and mailing of any and all notices related to this ordinance upon property owners within 200 feet of the area to be vacated, shall borne and paid by the Petitioner.

Section III: The Petitioner shall file this Ordinance and the Maps with the Register of the County of Hudson within sixty (60) days after the Ordinance becomes effective.

Section IV: This Ordinance shall be subject to the following:

- 1) In the event the utilities, if any, presently located under the roadways being vacated hereunder, are not moved to another location or abandoned in place. An easement in perpetuity is reserved for the benefit of the City of Jersey City, Jersey City Municipal Utilities Authority and all public utility companies, including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 ©. 48:5A-1 et seq). for the purpose of ingress and egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this vacation ordinance.
- 2) No buildings or structures of any kind may be constructed over the water or sewer utilities within this area subject to the easement without the consent of the Chief Engineer of the City of Jersey City and/or the Jersey City Municipal Utilities Authority unless and until those utilities are relocated and/or abandoned.

Section V: All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section VI: This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth herein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

Section VII: This Ordinance shall take effect at the time and in the manners provided by law.

Section VIII: The City Clerk and the Corporation Counsel 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 accidental repeal of the existing provisions.

G:\WPDOCS\TOLONDA\Franchise Ordinance Correspondence\Van Leer\Ordinance - 110 Hoboken Avenue Development Urban Renewal Co., LLC.wpd

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

PETITION

TO THE MUNICIPAL COUNCIL OF JERSEY CITY, NEW JERSEY

110 Hoboken Avenue Development Urban Renewal Co., LLC, a New Jersey limited liability company ("HAD"), having its principal office at 1520 Willow Avenue, Hoboken, New Jersey; respectfully show:

WHEREAS, in order to construct a mixed use project in the Jersey Avenue Redevelopment District, which project is known as "Van Leer North" and Van Leer South", HAD must request the Municipal Council of the City of Jersey City ("City") to vacate a portion of 17th Street owned by the City;

WHEREAS, the portion of 17th Street to be vacated is depicted graphically and a metes and bounds description is shown on Exhibit A attached hereto and made apart hereof;

WHEREAS, a condition of approval given the by the Jersey City Planning Board and set forth in the Resolution of the Planning Board of the City of Jersey City, dated January 23, 2007, is that HAD request and obtain an ordinance from the Municipal Council of the City of Jersey City vacating its right, title and interest in this portion of 18th Street;

WHEREAS, the development of the site owned by HAD is desirable and vacating this portion of 17th Street, which is a "paper street", is necessary in order to allow this underused site to be developed;

NOW, THEREFORE, HAD requests that the Municipal Council of Jersey City adopt the Ordinance which shall vacate a portion of 17th Street as shown on Exhibit A. This portion of 17th Street will become apart of Block 402, Lot PL-1, which is owned by the Petitioner.

Date: 7-20-09

110 Hoboken Avenue Development
Urban Renewal Co., LLC

By: Daniel Gans
Daniel Gans, a Member

Chester, Ploussas, Lisowsky Partnership, LLP

PLANNING * ARCHITECTURE * ENGINEERING * SURVEYING

Metro Park South

100 Matawan Road- Suite 100, Matawan, New Jersey 07747

Mailing Address: P.O. Box 943, Matawan, NJ 07747

(732) 566-0297 * Fax (732) 566-5283

05011

June 1, 2006

Description of "a portion of 17th Street right-of-way area to be vacated and consolidated with Proposed Lot PL-1, Block 402", situated in the City of Jersey City, Hudson County, New Jersey".

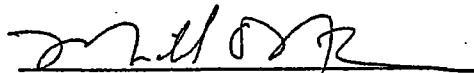
Beginning at a point of intersection formed by the southeasterly line of Lot PL-1, Block 402 and the northerly line of Seventeenth Street (60 feet wide) as shown on the Jersey City Tax Maps, and from said Point or Place of Beginning, running thence;

1. Crossing over Seventeenth Street as it appears on the Jersey City Tax Maps and running along the westerly line of Lot 6, Block 453, South 42° 52' 55" West - 74.62 feet to an iron bar, thence;
2. Along the northerly line of existing Lot PL-1, Block 453, also being the southerly line of Seventeenth Street as it appears on the Jersey City Tax Maps, North 83° 35' 52" West - 46.57 feet to a point, thence;
3. Crossing over the westerly terminus of Seventeenth Street as it appears on the Jersey City Tax Maps, North 25° 13' 57" East - 63.39 feet to a point, thence;
4. Running along the southerly line of Lot PL-1, Block 402, also being the northerly line of Seventeenth Street (60 feet wide) as shown on the Jersey City Tax Maps, South 83° 35' 52" East - 70.47 feet the Point or Place of Beginning.

Area = 3,511 square feet or 0.0806 Acres

Subject to easements and/or restrictions of record.

The above described land is designated as PARCEL "D" as shown on a map entitled "Final Major Subdivision Plat, Van Leer Place South, City of Jersey City, Hudson County, New Jersey", dated June 1, 2006 and prepared by Chester, Ploussas, Lisowsky Partnership, LLP, Engineers and Surveyors, Matawan, New Jersey.



Michael C. Nolan
Professional Land Surveyor
License No. 34488

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

Ord. 09-110

ORDINANCE NO. _____

TITLE: 3.E. OCT 14 2009 4.D. OCT 28 2009

Ordinance by the Municipal Council of the City of Jersey
City vacating a portion of 17th Street.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 14 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
				FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 28 2009 9-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote CHARLES TURNER N.V.-Not Voting (Abstain)

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.
SOTTOLANO				GAUGHAN				BRENNAN			
Donnelly				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
OCT 28 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on OCT 14 2009

Adopted on second and final reading after hearing on OCT 28 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 28 2009

Robert Byrne, City Clerk

APPROVED:
Peter M. Brennan, Council President

*Amendment(s): _____

Date: OCT 28 2009
APPROVED:
Jerramiah T. Healy, Mayor

Date 11/2/09

Date to Mayor OCT 29 2009

City Clerk File No. Ord. 09-111
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 09-111

TITLE:

Ordinance by the Municipal Council of the City of Jersey City vacating a portion of 18th Street

WHEREAS, the City of Jersey City (the "City") does possess rights-of-way through all public streets, thoroughfares and sidewalks located within the City; and

WHEREAS, the City is authorized pursuant of N.J.S.A. 40:67-1 et seq. and N.J.S.A. 40-A:12-5 to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the City; and

WHEREAS, 110 HOBOKEN AVENUE REDEVELOPMENT URBAN RENEWAL CO., LLC, a New Jersey limited liability company ("Petitioner") has filed a petition with the Municipal Council of the City of Jersey City requesting the vacation of a portion of 18th Street, which parcel is more particularly described by the metes and bound description and is also depicted on Exhibit A attached hereto; and

WHEREAS, 18th Street is located within the City of Jersey City, County of Hudson, State of New Jersey; and

WHEREAS, there is no municipal or public need for the portion of 18th Street and the Petitioner now desires this portion of 18th Street to be vacated; and

WHEREAS, the area being vacated is no longer necessary for the general public use, and the rights of the public will not be injuriously or adversely affected by the requested vacation, and such vacation advances the public safety and welfare and will allow the development of underused land in the Jersey Avenue Redevelopment Area; and

WHEREAS, the City is authorized to vacate that portion of 18th Street set forth in Exhibit "A"; and

WHEREAS, the Petitioner owns the property located on the adjacent lots and received major subdivision approval from the Jersey City Planning Board on June 13, 2006, and pursuant to the resolution of approval, dated January 23, 2007, the Petitioner is required to obtain a vacation of a portion of the 18th Street right of way, which is identified on the final subdivision plat for Van Leer Place South, located near intersection of Hoboken Avenue and Monmouth Street (the "Property"); and

WHEREAS, the dedication portion of 18th Street to be vacated is a "paper dedicated street" and not an active public right-of-way; and

WHEREAS, the dedication was a marginal dedication of real property owned by Petitioner; and

WHEREAS, the Municipal Engineer and Municipal Traffic Engineer have reviewed and approved the proposed vacation of this portion of 18 Street; and

WHEREAS, the vacated portion of 18th Street will merge with new lot PL-1, Block 402; and

WHEREAS, said Petition has been duly advertised and proof of the giving of due notice of the Petition requesting enactment of this ordinance as required by law has been filed with the City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto; and

Ordinance by the Municipal Council of the City of Jersey City vacating a portion of 18th Street

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

Section I: All parts or portions of 18th Street, which is graphically depicted on Exhibit A, be and the same are hereby vacated and included as part of new Block 402, Lot PL-1, and the public easement and rights therein be and the same are hereby extinguished, which parts of the aforesaid street are more particularly described in the metes and bounds descriptions contained in Exhibit "A" to this Ordinance, which is incorporated herein by reference.

Section II: All costs and expenses related to the introduction, passage and publication of this Ordinance, including the preparation and mailing of any and all notices related to this ordinance upon property owners within 200 feet of the area to be vacated, shall borne and paid by the Petitioner.

Section III: The Petitioner shall file this Ordinance and the Maps with the Register of the County of Hudson within sixty (60) days after the Ordinance becomes effective.

Section IV: This Ordinance shall be subject to the following:

- 1) In the event the utilities, if any, presently located under the roadways being vacated hereunder, are not moved to another location or abandoned in place. An easement in perpetuity is reserved for the benefit of the City of Jersey City, Jersey City Municipal Utilities Authority and all public utility companies, including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 @. 48:5A-1 et seq). for the purpose of ingress and egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this vacation ordinance.
- 2) No buildings or structures of any kind may be constructed over the water or sewer utilities within this area subject to the easement without the consent of the Chief Engineer of the City of Jersey City and/or the Jersey City Municipal Utilities Authority unless and until those utilities are relocated and/or abandoned.

Section V: All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section VI: This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth herein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

Section VII: This Ordinance shall take effect at the time and in the manners provided by law.

Section VIII: The City Clerk and the Corporation Counsel 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 accidental repeal of the existing provisions.

G:\WPDOS\TOLONDA\Franchise Ordinance Correspondence\Van Leer\Ordinance - 110 Hoboken Avenue Development Urban Renewal Co., LLC.wpd

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

PETITION

TO THE MUNICIPAL COUNCIL OF JERSEY CITY, NEW JERSEY

110 Hoboken Avenue Development Urban Renewal Co., LLC, a New Jersey limited liability company ("HAD"), having its principal office at 1520 Willow Avenue, Hoboken, New Jersey; respectfully show:

WHEREAS, in order to construct a mixed use project in the Jersey Avenue Redevelopment District, which project is known as "Van Leer North" and Van Leer South", HAD must request the Municipal Council of the City of Jersey City ("City") to vacate a portion of 18th Street owned by the City;

WHEREAS, the portion of 18th Street to be vacated is depicted graphically and a metes and bounds description is shown on Exhibit A attached hereto and made apart hereof;

WHEREAS, a condition of approval given the by the Jersey City Planning Board and set forth in the Resolution of the Planning Board of the City of Jersey City, dated January 23, 2007, is that HAD request and obtain an ordinance from the Municipal Council of the City of Jersey City vacating its right, title and interest in this portion of 18th Street;

WHEREAS, the development of the site owned by HAD is desirable and vacating this portion of 18th Street, which is a "paper street", is necessary in order to allow this underused site to be developed;

NOW, THEREFORE, HAD requests that the Municipal Council of Jersey City adopt the Ordinance which shall vacate a portion of 18th Street as shown on Exhibit A. This portion of 18th Street will become apart of Block 402, Lot PL-1, which is owned by the Petitioner.

Date: 7/22/09

110 Hoboken Avenue Development
Urban Renewal Co., LLC

By: George Vallone
George Vallone, a Member

Exhibit A (Continue)
Chester, Ploussas, Lisowsky Partnership, LLP

PLANNING * ARCHITECTURE * ENGINEERING * SURVEYING

Metro Park South

100 Matawan Road- Suite 100, Matawan, New Jersey 07747

Mailing Address: P.O. Box 943, Matawan, NJ 07747

(732) 566-0297 * Fax (732) 566-5283

05011

June 1, 2006

Description of "a Portion of 18th Street Right of Way area to be Vacated and Consolidated with Adjoining Lot PL-1, Block 402", situated in the City of Jersey City, Hudson County, New Jersey.

Beginning at a point in the southerly sideline of Hoboken Avenue (80' wide R.O.W.) said point being at the intersection with the proposed westerly sideline of Monmouth Street (60' wide R.O.W.) and from said Point or Place of Beginning running thence;

1. Leaving said sideline of Hoboken Avenue and running along the proposed westerly sideline of Monmouth Street, southeasterly on a curve to the right having a radius of 25.00 feet, an arc distance of 50.11 feet and a central angle of 114° 50' 03", to a point of tangency, thence;
2. Still along the proposed westerly sideline of Monmouth Street (60' wide R.O.W.), South 06° 24' 08" West - 30.87 feet to a point, thence;
3. Leaving said sideline of Monmouth Street and running along the present northeasterly line of Tax Lot PL-1, Block 402 also being the westerly sideline of 18th Street, North 83° 35' 52" West - 58.97 feet to a point, thence;
4. Along the present easterly line of Tax Lot PL-1, Block 402 also being the northerly terminus of 18th Street, North 25° 13' 57" East - 53.57 feet to a point in the aforesaid southerly sideline of Hoboken Avenue, thence;
5. Along said southerly sideline of Hoboken Avenue (80' wide R.O.W.), North 71° 34' 05" East - 6.81 feet to the Point or Place of Beginning.

Area = 2,602 square feet or 0.0597 acres

Subject to easements and/or restrictions of record.

The above description is in accordance with on a map entitled "Final Major Subdivision Plat, Van Leer Place South, City of Jersey City, Hudson County, New Jersey", dated June 1, 2006 and prepared by Chester, Ploussas, Lisowsky Partnership, LLP, Engineers and Surveyors.



Michael C. Nolan
Professional Land Surveyor
License No. 34488

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

Ord. 09-111

ORDINANCE NO. _____

3.F. OCT 14 2009

4.E. OCT 28 2009

TITLE:

Ordinance by the Municipal Council of the City of Jersey
City vacating a portion of 18th Street.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 14 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
				FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 28 2009 9-0											
Councilperson <u>GAUGHAN</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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.
SOTTOLANO				GAUGHAN				BRENNAN			
Donnelly				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA,			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
OCT 28 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
Donnelly	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

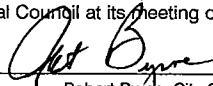
✓ Indicates Vote

N.V.-Not Voting (Abstain)

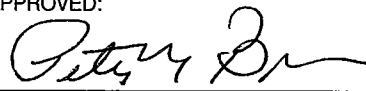
Adopted on first reading of the Council of Jersey City, N.J. on OCT 14 2009

Adopted on second and final reading after hearing on OCT 28 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 28 2009


Robert Byrne, City Clerk

APPROVED:


Peter M. Brennan, Council President

Date: OCT 28 2009

APPROVED:


Jerramiah T. Healy, Mayor

Date 11/2/09

Date to Mayor OCT 29 2009

*Amendment(s):

City Clerk File No. Ord. 09-112

Agenda No. 3.G 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-112

TITLE:

Ordinance by the Municipal Council of the City of Jersey City vacating a water main easement located on Lot PL-1, Block 402

WHEREAS, the City of Jersey City (the "City") owns a water main easement which runs across property owned by 110 Hoboken Avenue Development Urban Renewal Co., LLC ("Owner"), more specifically described as Lot PL-1, Block 402 situate in the City of Jersey City, New Jersey ("Property");

WHEREAS, there is a document entitled "This Indenture", dated May 10, 1973, which was recorded in book 3141, page 906 in the recording office and the records of the Tax Office of the City of Jersey City which is proof of the City's ownership of said water main easement;

WHEREAS, to facilitate the development of a project known as "Van Leer North" and Van Leer South" the Owner has asked the City to vacate its water main easement;

WHEREAS, the Owner received approvals from the Jersey City Planning Board on June 13, 2006 and, in order to develop the Property the Owner is required to ask the City to relocate the water main easement;

WHEREAS, the Owner has agreed, in consideration of the City vacating its water main easement, to give the City another water main easement similar to the present water main easement;

WHEREAS, Exhibit A attached hereto graphically depicts the present water main easement; and;

WHEREAS, the City is authorized pursuant of J.J.S.A. 40:67-1 et seq. and N.J.S.A. 40-A:12-5 to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the City; and

WHEREAS, the Owner is also a petitioner ("Petitioner") and has filed a petition with the Municipal Council of the City of Jersey City requesting the vacation of the water main easement, which is more particularly described by the metes and bound description on Exhibit A and is also graphically depicted on Exhibit A attached hereto; and

WHEREAS, the water main easement is located within the City of Jersey City, County of Hudson, State of New Jersey; and

WHEREAS, provided that a substitute water main easement is granted by the Owner, there is no municipal or public need for the water main easement to remain where it is presently located; and

WHEREAS, the rights of the public will not be injuriously or adversely affected by the requested vacation, and such vacation advances the public safety and welfare and will allow the development of underused land in the Jersey Avenue Redevelopment Area; and

WHEREAS, the City is authorized to vacate the water main easement which is set forth on Exhibit "A"; and

WHEREAS, the Petitioner owns the property located on the adjacent lots and received major preliminary approval from the Jersey City Planning Board on June 13, 2006, and pursuant to the resolution of approval, dated January 23, 2007, the Petitioner is required to obtain a vacation of the water main easement (the "Property"); and

WHEREAS, the Municipal Engineer and Municipal Traffic Engineer have reviewed and approved the proposed vacation of this water main easement; and

Ordinance by the Municipal Council of the City of Jersey City vacating a water main easement located on Lot PL-1, Block 402

WHEREAS, said Petition has been duly advertised and proof of the giving of due notice of the Petition requesting enactment of this ordinance as required by law has been filed with the City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto; and

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

Section I: The water main easement, which is graphically depicted on Exhibit A, be and the same is hereby vacated and the public easement and rights therein be and the same are hereby extinguished,

Section II: All costs and expenses related to the introduction, passage and publication of this Ordinance, including the preparation and mailing of any and all notices related to this ordinance upon property owners within 200 feet of the area to be vacated, shall be borne and paid by the Petitioner.

Section III: The Petitioner shall file this Ordinance and the Maps with the Register of the County of Hudson within sixty (60) days after the Ordinance becomes effective.

Section IV: This Ordinance shall be subject to the following:

- 1) In the event the utilities, if any, presently located under the roadways being vacated hereunder, are not moved to another location or abandoned in place. An easement in perpetuity is reserved for the benefit of the City of Jersey City, Jersey City Municipal Utilities Authority and all public utility companies, including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 ©. 48:5A-1 et seq). for the purpose of ingress and egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this vacation ordinance.
- 2) A fully executed substitute water main easement has been delivered by the Owner to the City's corporate counsel and same shall be held in escrow pending the adoption of this Ordinance. Upon adoption of this Ordinance, the substitute water main easement shall be recorded by either the Owner, or the corporate counsel. A copy of the substitute water main easement is attached hereto as Exhibit B and made apart hereof.

Section V: All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section VI: This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth herein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

Section VII: This Ordinance shall take effect at the time and in the manners provided by law.

Section VIII: The City Clerk and the Corporation Counsel 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 accidental repeal of the existing provisions.

G:\WP\DOCS\TOLONDA\Franchise Ordinance Correspondence\Van Leer\Ordinance - 110 Hoboken Avenue Development Urban Renewal Co., LLC.wpd

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

PETITION

TO THE MUNICIPAL COUNCIL OF JERSEY CITY, NEW JERSEY

110 Hoboken Avenue Development Urban Renewal Co., LLC, a New Jersey limited liability company ("HAD"), having its principal office at 1520 Willow Avenue, Hoboken, New Jersey; respectfully show:

WHEREAS, in order to construct a mixed use project in the Jersey Avenue Redevelopment District, which project is known as "Van Leer North" and Van Leer South", HAD must request the Municipal Council of the City of Jersey City ("City") to vacate a water main easement owned by the City which runs under property HAD owns;

WHEREAS, the water main easement is depicted graphically and a metes and bounds description is shown on Exhibit A attached hereto and made apart hereof;

WHEREAS, HAD has agreed to provide a substitute water main easement on another piece of property it owns near the existing water main easement;

WHEREAS, a condition of approval given the by the Jersey City Planning Board and set forth in the Resolution of the Planning Board of the City of Jersey City, dated January 23, 2007, is that HAD request and obtain an ordinance from the Municipal Council of the City of Jersey City vacating its right, title and interest in this portion of the water main easement;

WHEREAS, the development of the site owned by HAD is desirable and vacating the water main easement is necessary in order to allow this underused site to be developed;

NOW, THEREFORE, HAD requests that the Municipal Council of Jersey City adopt the Ordinance which shall vacate a water main easement as shown on Exhibit A.

Date: 7-20-09

110 Hoboken Avenue Development
Urban Renewal Co., LLC

By: Daniel Gans
Daniel Gans, a Member

EXHIBIT A

COUNTY OF HUDSON
COMMUNISTRATION
REALTY AND INTEREST
DATE 5/18/23 BY

ASSESSOR

This Indenture,

Made the tenth day of May in the year One Thousand
Nine Hundred and ~~twenty~~ seventy three

Between CITY OF JERSEY CITY, a Municipal Corporation of the State of New Jersey, party of
the first part;

And READE MANUFACTURING COMPANY, INC., a corporation of the
State of New Jersey, having its principal office at
135 Hoboken Avenue
of the City of Jersey City in the County
of Hudson and State of New Jersey party of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of

-----FIVE THOUSAND, FIVE HUNDRED & 00/100-----

(\$5,500.00) Dollars,

lawful money of the United States of America, to it in hand well and truly paid by the said party of the
second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,
and the said party of the first part being therewith fully satisfied, contented and paid, has given, granted, bargained,
sold, aliened, released, enfeoffed, conveyed and confirmed, and by these presents does give, grant, bargain, sell,
alien, release, enfeoff, convey and confirm unto the said party of the second part, and to the heirs, successors
and assigns forever of the said party of the second part,

All that certain tract or parcel of land and premises, hereinafter
particularly described, situate, lying and being in the City of Jersey City, in the County of Hudson and State
of New Jersey, as shown on the Official Tax Assessment Map of the City of
Jersey City, New Jersey, now in use, and more particularly described
as follows:

1105-1109

BEGINNING at a point in the southerly line of Hoboken Avenue,
said point being distant one hundred and fourteen and sixty-three
hundredths (114.63) feet and bearing south forty-five degrees and six
minutes west (S45° 06'W) from an angle point formed by the intersec-
tion of the southerly line of Hoboken Avenue with the easterly line of
Hoboken Avenue and proceeding thence:

(1) South forty-one degrees and seven minutes East (S41° 07'E)
one hundred forty-seven and twenty-three hundredths (147.23) feet to a
point; thence

(2) South forty-two degrees and fifty-one minutes West (S42° 51'W)
thirty and seventeen hundredths (30.17) feet to a point; thence

(3) North forty-one degrees and seven minutes West (N41° 07'W)
and parallel to the first course run, one hundred forty-eight and
forty-seven hundredths (148.47) feet to a point; thence

(4) North forty-five degrees and six minutes East (N45° 06'E) and
along the southeasterly line of Hoboken Avenue, thirty and six
hundredths (30.06) feet to the point or place of BEGINNING.

3141-906
BEING also known as a portion of Seventeenth Street between
Hoboken Avenue and the rear of Plot C-3 of Block 453 and Plot A-3 of
Block 492, as shown on the present City Assessment Map of Jersey City,
New Jersey.

D 3141-906

made by James H. Henderson, Jr., Professional Engineer and Land Surveyor, February 29, 1964.

The said conveyance is subject to the retention of an easement by the City of Jersey City for the maintenance, use and operation of a 12 inch water main, and provided further, that said Reade Manufacturing Company, Inc., provide proof of issuance of a title insurance policy for the subject property by a reputable title insurance company authorized to do business in the State of New Jersey, at the time of said conveyance.

LIBER 3141 PG 907

This deed is given under and by virtue of ~~an ordinance~~ ordinance adopted by the Municipal Council of the City of Jersey City, on April 3, 1973 authorizing the sale by the City of Jersey City, of public lands and buildings not needed for public use, hereinafter listed, at public sale, in accordance with the provisions of Section 40:60-26 and the supplements thereto and amendments thereof, if any, of the Revised Statutes of New Jersey, 1937.

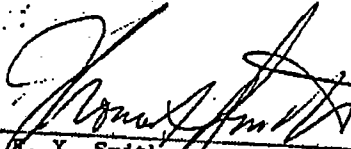
Together with all and singular the houses, buildings, trees, ways, waters, profits, privileges, and advantages, with the appurtenances to the same belonging or in anywise appertaining:

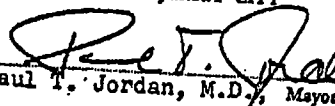
Also, all the estate, right, title, interest, property, claim and demand whatsoever, of the said party of the first part, of, in and to the same, and of, in and to every part and parcel thereof.

To have and to Hold, all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its heirs, successors, and assigns, to the only proper use, benefit and behoof of the said party of the second part, its heirs, successors, and assigns forever.

In Witness Whereof, the party of the first part has caused these presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereto affixed, the day and year first above written.

Attest:


Thomas H. X. Smith, City Clerk

CITY OF JERSEY CITY
By 
Paul T. Jordan, M.D., Mayor

APPROVED AS TO

APPROVED AS TO LEGAL COUNSEL

Corporation Council

Record and Return to:
James J. Burke, Esq.
70 Adams Street
Second Floor, Commercial Unit
Hoboken, New Jersey 07030

Prepared by: _____
James J. Burke, Esq.

GRANT OF EASEMENT

THIS INDENTURE, made this 16th day of July, 2009, between 110 Hoboken Avenue Development Urban Renewal Co., LLC, **with an** address at 1520 Willow Avenue, New Jersey (hereinafter called "Grantor"), and JERSEY CITY UTILITIES AUTHORITY, a public authority of the State of New Jersey, having its office at 555 Route 440, Jersey City, New Jersey (hereinafter called "Grantee").

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situate in the City of Jersey City, County of Hudson and State of New Jersey, commonly known as Block PL-1, Lot 1; and

WHEREAS, Grantee is a public authority of the State of New Jersey, engaged in furnishing utility service to subscribers in the City of Jersey City; and

WHEREAS, the Grantee agreed to vacate a water main easement so long as Grantor provided a substitute water main easement;

WHEREAS, the Grantor does agree to convey an easement in perpetuity to Grantee for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its licensees, successors in interest and assigns, in connection with the provision of water service to adjoining properties and for the conduct of its business, all in accordance with and for the purposes set forth in this Grant of Easement, for the mutual benefit of both Grantor and Grantee;

NOW THEREFORE, WITNESSETH: In consideration of these premises and the sum of ONE (\$1.00) DOLLAR, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

1. Grantor does hereby grant and convey unto Grantee an easement in perpetuity, in, under, through, upon, over and across the lands described on EXHIBIT A attached hereto and made apart hereof of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining and using underground which Grantee may, deem necessary or proper in its sole judgment for the conduct of its business; together with such free and unlimited access to, egress

and ingress in, from and over all points of said easement area, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement.

2. Grantor does further grant and convey to Grantee the right, privilege and authority to trim, cut and remove such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere with or threaten the safe, proper or convenient use, maintenance or operation of said facilities within the easement area. Grantee shall not be responsible for any damage to any trees or other vegetation due to the installation of the utility facilities.

3. Grantor shall have the right to use, occupy and enjoy the surface and air space around the easement area for any purpose which does not interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that that no buildings or structures shall be erected over or within ten (10) feet of said facilities of Grantee except as is currently located on the Property.

4. Grantor shall have the right to allow other utilities to use the said easement area for any purpose, which does not in any way interfere with the accessibility and safe operation of said facilities of Grantee, and subject to the consent of Grantee. Grantor's right to allow other utilities to use the easement area does not include the right to allow other utilities to use the facilities that Grantee has installed in the easement. Grantor's right to allow other utilities to use the easement area shall in no way limit the rights granted to Grantee in this Easement.

5. Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of Grantee.

6. If Grantor shall, at any time after the initial installation of said facilities, request Grantee to relocate said facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

7. Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be required, and that Grantee shall have the quiet possession thereof free from all encumbrances.

8. Grantee shall defend and indemnify Grantor against, and shall save Grantor harmless from, and shall reimburse Grantor with respect to, any and all claims, demands, actions, causes of action, injuries, orders, losses, liabilities (statutory or otherwise), obligations, damages, fines, penalties, costs and expenses (including without limitation, reasonable attorneys' fees and expenses) incurred by, imposed upon or asserted against Grantor by reason of any accident, injury (including death at any time resulting therefrom) or damage to any person or property

arising out of or resulting from any acts or omissions of Grantee or by any employee, licensee, invitee or agent of Grantee.

9. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of New Jersey and recorded on the title to the Property.

10. By the acceptance of this instrument, Grantee agrees to abide by the terms and conditions herein on its part to be performed and shall be deemed signatory hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their successors and assigns.

IN WITNESS WHEREOF, Grantor has duly signed these presents the day and year first above written.

ATTEST:

Renewal Co, Inc.

GRANTOR
110 Hoboken Avenue Development Urban

Name:
Title:

By: _____
Name:
Title:

By: _____

