



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 10-009

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 3438 KENNEDY BOULEVARD, JERSEY CITY, NJ

WHEREAS, One LLC, having its offices located at 53 Hillside Avenue, Berkeley Heights, New Jersey, is the owner of the property located at 3438 Kennedy Boulevard, Jersey City, and known as Block 866, Lot E on the current tax maps of the City of Jersey City, and as part of its development desires to make site improvements to a portion of lands located within the sidewalk area of the Bowers Street public right-of-way. The proposed development of the property includes the renovation of the existing building and continue its use for retail purposes (a Dunkin' Donuts); and

WHEREAS, the property is located on the corner of Kennedy Boulevard and Bowers Street; and

WHEREAS, part of the renovation includes the proposed construction of a handicap ramp and landing within the Bowers Street sidewalk area of the public right-of-way; and

WHEREAS, One LLC has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is essential for the construction of the handicap ramp for handicap accessibility to the building; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by One LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the installation of a handicap ramp and landing to be located within the sidewalk area of the Bowers Street public right-of-way for the purpose of providing handicap accessibility to the building.
2. All costs associated with these improvements will be incurred by the Petitioner.

and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department approved the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this property is situated, and the area requested for the franchise is minimal, and the said improvements will assist in meeting handicap access to the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 3438 KENNEDY BOULEVARD, JERSEY CITY, NJ

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

SECTION I. Permission be, and is hereby granted to One LLC, its successors and assigns, to make private improvements to a portion of lands located at the corner of Kennedy Boulevard and Bowers Street (3438 Kennedy Boulevard), and known as Block 866, Lot E in the City of Jersey City, said areas being more particularly described as follows and on the plan attached hereto as Exhibit A (survey and metes and bounds description).

1. The contemplated improvements will include the installation of a handicap ramp and landing to be located within the sidewalk area of the Bowers Street public right-of-way (see Exhibits A & B); and
2. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Officer and Building Department and will provide a minimum of five (5) feet clearance for the respective pedestrian sidewalks.
3. All costs associated with these improvements will be incurred by the Petitioner.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the 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. 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. One LLC, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said One LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, One LLC, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. One LLC, its successor and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City 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.

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 3438 KENNEDY BOULEVARD, JERSEY CITY, NJ

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise 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 Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

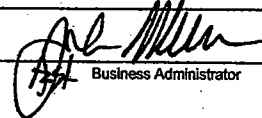
SECTION X.

- 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 Clerk shall have this Ordinance certified 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.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED:  Business Administrator

Certification Required
Not Required

DMC ASSOCIATES, INC. LAND SURVEYORS

211 Main Street, Butler, New Jersey 07405

Phone: 973-838-9187 Fax: 973-838-4389

November 13, 2009

RE: DMC NO. 0908024 – LOT E, BLOCK 866 A.K.A. 3438 KENNEDY BOULEVARD
CITY OF JERSEY CITY, COUNTY OF HUDSON, NJ

The purpose of this description is to describe a tract of land/area located within the R.O.W. of J. F. Kennedy Boulevard, a 80.00 wide R.O.W. and the R.O.W. of Bowers Street, a 65.00 feet wide R.O.W. Said land/area is to occupy a handicap ramp for the benefit of Lot E in Block 866 a.k.a. 3438 J. F. Kennedy Boulevard. Said description is in accordance with a survey entitled "Exhibit A Lot E, Block 866, 3438 Kennedy Boulevard" prepared by DMC Associates, Inc. Land Surveyors. Said survey/exhibit is to be made part of this description. Said lands being more particularly described as follows:

Beginning at a point, said point being North 48 degrees 30 minutes 00 seconds West for a distance of 1.00 feet from the point of intersection formed by the southeasterly R.O.W. line of J. F. Kennedy Boulevard, an 80.00 feet wide R.O.W. formerly known as both Hudson Boulevard and Grand Avenue and the southwesterly R.O.W. line of Bowers Street, a 66.00 feet wide R.O.W. formerly known as Ludlow Place and running thence;

- (1) North 41 degrees 30 minutes 00 seconds East for a distance of 3.50 feet to a point, thence;
- (2) South 48 degrees 30 minutes 00 seconds East for a distance of 16.50 feet to a point, thence;
- (3) South 41 degrees 30 minutes 00 seconds West for a distance of 3.50 feet to a point, thence;
- (4) North 48 degrees 30 minutes 00 seconds West for a distance of 16.50 feet to the point and place of beginning herein described.


Robert L. Cigol, P.L.S.

N.J. License No. 24GS04026100

Certificate of Authorization No. 24GA27919000

A

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

ORDINANCE NO. Ord. 10-009
 TITLE: 3.A. JAN 27 2010 4.A. FEB 24 2010



A franchise ordinance granting permission to One LLC, its successors and assigns, to make private improvements to a portion of lands within the sidewalk area of the Bowers Street public right of way located adjacent to 3438 Kennedy Boulevard, Jersey City, New Jersey.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				JAN 27 2010				8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				FEB 24 2010				9-0			
Councilperson <u>BRENNAN</u> moved, seconded by Councilperson <u>SOTTOLANO</u> to close P.H.											
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											
				FEB 24 2010				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 JAN 27 2010
 Adopted on second and final reading after hearing on FEB 24 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 24 2010

Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan, Council President

*Amendment(s):

Date: FEB 24 2010
 APPROVED:

 Jerramiah T. Healy, Mayor

Date MAR - 2 2010

Date to Mayor FEB 25 2010



ORDINANCE OF JERSEY CITY, N.J.

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

TITLE: **CITY ORDINANCE 10-011**
AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XI (SCHEDULES) SCHEDULE 25 (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE 24 EASTERN PARKWAY; 361 LIBERTY AVENUE; 82 POPLAR STREET; 77 PROSPECT STREET; 300 STEGMAN PARKWAY; 332 WEBSTER AVENUE; 224-222 WILKINSON AVENUE AND AMEND THE RESERVED PARKING SPACE AT 7 APOLLO STREET AND 103 POPLAR STREET AND REPEAL THE RESERVED PARKING SPACE AT 11 APOLLO STREET; 222 WILKINSON AVENUE AND 228 WILKINSON AVENUE

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

1. Chapter 332 (Vehicles and Traffic) Article XI (Schedules) of the Jersey City Code is hereby supplemented as follows:

Section 332-77

SCHEDULE 25

PARKING FOR THE DISABLED

Restricted parking spaces, (measuring approximately 22 feet in length) in front of residential building for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles and handicapped parking permits issued by the Traffic Division.

Rosalind Bhimdass [*James Andrew Visitacion*]
[Rosalind Bhimdass
Eva Hernandez
Chandrakant J. Parikh
John Calamanco
Neil Boyle and Peter Powers [*Craig Gilmour*]
Emillie Torres
Mostafa M. Selim
Kayla J. Allen
[Lillian Cromartie
Mary King

7 Apollo Street
11 Apollo Street]
24 Eastern Parkway
361 Liberty Avenue
82 Poplar Street
103 Poplar Street
77 Prospect Street
300 Stegman Parkway
332 Webster Avenue
222 Wilkinson Avenue]
[228] 224-222 Wilkinson Avenue

- 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- 4. This ordinance shall take effect at the time and in the manner as prescribed by law.
- 5. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: The new material to be inserted is underscored; the material to be repealed is in *[brackets]*.

JDS:pc1
01.21.10

APPROVED: _____
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____ *1/25/10*
Municipal Engineer

APPROVED: _____
Business Administrator

Certification Required

Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance:

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article VI(Schedules) Schedule 25(Parking for the Disabled) of the Jersey City designating a reserved parking space for the disabled at 24 Eastern Parkway; 361 Liberty Avenue; 82 Poplar Street; 77 Prospect Street; 300 Stegman Parkway; 332 Webster Avenue; 224-222 Wilkinson Avenue and amend the reserved parking space at 7 Apollo Street and 103 Poplar Street and repeal the reserved parking space at 11 Apollo Street; 222 Wilkinson Avenue and 228 Wilkinson Avenue

2. Name and title of person initiating the ordinance:

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designate a reserved parking space for the disabled at various locations throughout the City, for those disabled individuals whose applications have been reviewed and approved by The Municipal Council Committee for Disabled Parking. Delete the reserved parking spaces no longer warranted.

4. Reasons (need) for the proposed program, project, etc.:

To provide a reserved parking space for a disabled individual who has documented that his or her disability is severe enough to limit his mobility or so severe that he or she cannot be left unattended while the designated driver brings the vehicle to him or her or parks the vehicle.

5. Anticipated benefits to the community:

Allow those disabled individuals, whose application was approved by The Municipal Council Committee for Disabled Parking, to have a reserved parking space designated at his or her residence, therefore, improving the quality of his or her life.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:

Approximately \$200.00 per sign/post installation for an approximate total of \$2,500.00
Approximately 12 channels and 14 reserved parking signs

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

Twenty days after adoption by the Jersey City Municipal Council

9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation ex. 4492

10. Additional comments:

Ordinance proposed at the request of The Municipal Council Committee for Disabled Parking

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.


Municipal Engineer

1/28/12
Date

Signature of Department Director

Date

