

O-16-50
08/24/16

**AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON,
NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF
A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT
AGREEMENT FOR THE BENEFIT OF BAYONNE 19TH STREET URBAN
RENEWAL ASSOCIATES, LLC**

WHEREAS, the Municipal Council of the City of Bayonne in its capacity as the redevelopment entity (the “**Municipal Council**”) for the City of Bayonne (the “**City**”) is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”); and

WHEREAS, by Resolution 04-11-10-082 dated November 10, 2004, the Municipal Council adopted a Resolution formally designating the property located at 13-27 East 19th Street, 12-22 East 21st Street, 426-428 Broadway and 434-436 Broadway in the City, which properties are identified as Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 24 and 26 on the official Tax Map of the City (the “**Property**”) as an “area in need of redevelopment” (the “**Broadway Corridor Redevelopment Area**”); and

WHEREAS, on August 19, 2015, the Planning Board was directed by the Municipal Council pursuant to Resolution No. 15-05-19-066 to prepare and review a redevelopment plan, and to transmit its recommendations relating to said redevelopment plan to the Municipal Council in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning and Zoning, Department of Municipal Services, prepared a redevelopment plan entitled the “Redevelopment Plan for a Portion of the Broadway Corridor Site Redevelopment Area, Block 221, Lots 1-5, 15-19, 24, and 26 13-27 East 19th Street, 12-22 East 21st Street, 426-428 and 434-436 Broadway” revised through September 9, 2015, (the “**Redevelopment Plan**”) for the Municipal Council’s consideration; and

WHEREAS, on October 21, 2015, the Municipal Council pursuant to Ordinance O-15-35 adopted the Redevelopment Plan, upon receipt of the Planning Board’s recommendation to the Municipal Council; and

WHEREAS, the City is the owner of certain portions of real property designated as Block 221, Lot 26 on the Tax Map of the City of Bayonne, County of Hudson, New Jersey (“**City Property**”); and

WHEREAS, on November 10, 2015, the Municipal Council designated Ingerman Development Company, LLC and Bayonne 19th Street Urban Renewal Associates, LLC (collectively referred to as “**Ingerman**”) as the redeveloper of the Property pursuant to Section 8 of the Redevelopment Law to undertake redevelopment of the Property consistent with Redevelopment Plan; and

WHEREAS, Ingerman desires to have the right to use the City Property for construction staging while Ingerman constructs a residential project, which includes the construction of multifamily dwelling units in accordance with the Redevelopment Plan (the “**Project**”) on certain real property located adjacent to the City’s Property formerly designated as Block 221, Lots 2-5, 15-19, and a portion of property formerly designated as Lots 1, 24, and 26 (the **Ingerman Property**) as outlined in the Redevelopment Agreement entered into on December 29, 2015, by and between the City and Ingerman; and

WHEREAS, in doing so, Ingerman will need to access all or a portion of the City Property from time to time during the period of construction, in order to facilitate the construction, maintenance and upkeep of the Project to be erected on the Ingerman Property; and

WHEREAS, Ingerman requested that the City grant a temporary construction and access easement over, upon and across portions of the City Property to facilitate the installation and construction of the Project (the “**Easement**”); and

WHEREAS, the City desires to grant Ingerman a Temporary Access and Construction Easement over portions of the City Property for such purpose as herein stated.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The proposed Temporary Access and Construction Easement Agreement between the City of Bayonne and Bayonne 19th Street Urban Renewal Associates, LLC is hereby approved.

Section 3. The Mayor or his designee is hereby authorized to execute the Temporary Access and Construction Easement Agreement on behalf of the City of Bayonne.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and Temporary Access and Construction Easement Agreement shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

