

**O-19-49
8/21/19**

**CITY OF BAYONNE
COUNTY OF HUDSON**

**ORDINANCE VACATING THE RIGHT-OF-WAY EASMENT RESERVED TO THE
CITY OF BAYONNE AND CONVEYED TO DURAPORT REALTY IV, LLC OVER
BLOCK 476.01 / Lot 10.01**

WHEREAS, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(4), a municipality, by ordinance and at private sale, may “release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes;” and

WHEREAS, by Quit Claim Deed, dated June 29, 2016, and recorded in the Hudson County Clerk’s Office in Deed Book 9130, Page 414, on July 12, 2016, as shown as **Exhibit A** to this Ordinance, the City of Bayonne (the “City”) conveyed to Duraport Realty Four LLC (“Duraport”) the property consisting of the land, buildings, structures or improvements located at Block 476.01, Lot 10.01, together with easements set forth in a certain Quitclaim Deed dated April 12, 2010, and recorded in Deed Book 8727, Page 44;

WHEREAS, by Quit Claim Deed, dated June 29, 2016, and recorded in the Hudson County Clerk’s Office in Deed Book 9130, Page 424, on July 12, 2016, as shown as **Exhibit B**, the City conveyed to Port Johnson Realty LLC (“Port Johnson”) a portion of a “New 40.0’ Right-of-Way” (“Easement”), located at Block 476.01, Lot 10.02;

WHEREAS, as a result of the transfer, the City retains a 40.0’ Easement through Block 476.01, Lot 10.01, is shown as **Exhibit C** to this Ordinance;

WHEREAS, the City of Bayonne Planning Board granted Final Site plan Approval to Duraport to construct a commercial property and make site improvements, including retaining walls;

WHEREAS, the original purpose of the easement was to provide public access to Block 476.01, Lot 4, and

WHEREAS, Block 476.01, Lot 4, is privately owned and the public does not have a right to access that property,

WHEREAS, the City Engineer has determined that it would be appropriate for the City to extinguish the Easement and for new easements to be provided, as appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Bayonne, in the County of Hudson, in the State of New Jersey, as follows

Section 1. The City hereby vacates and extinguishes any and all right, title and interest to the public in and to certain lands of the 40-foot right of way easement, located on Block 471.01, Lot 10.01, described more fully in the Deeds recorded with the Hudson County Clerk's Office in Book 9130, Page 414, and Book 9130, Page 424, subject to all conditions set forth hereinabove.

Section 2. The City Clerk, Mayor, his designee, and such City Professionals as are necessary, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing an Extinguishment of Easement in a form acceptable to the City Attorney.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect after final passage as provided by law.