

O-20-04
01/15/20

AN ORDINANCE AUTHORIZING THE GRANTING OF AN AERIAL EASEMENT OVER CERTAIN PROPERTY OWNED BY THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY TO THE NEW JERSEY TURNPIKE AUTHORITY IDENTIFIED AS A PORTION OF THE AVENUE E RIGHT OF WAY (PARCEL AE262D AND RAE262E ON THE TAX MAP OF THE CITY OF PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.

WHEREAS, the Local Lands and Building Laws, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the City of Bayonne previously entered into a Memorandum of Agreement date January 12, 2015 with the New Jersey Turnpike Authority related to the 14A interchange improvements, and

WHEREAS, the Memorandum of Agreement authorized the exchange of various parcels including various aerial easements between the City and New Jersey Turnpike Authority that are necessary for the 14A interchange improvements at the conclusion of the construction, and

WHEREAS, the City of Bayonne is the owner of certain real property as further set forth herein not needed for public use, and the Mayor and Council have determined that it is in the best interest of the City to create and aerial easement for the public benefit.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Bayonne, as follows:

SECTION 1. That the City will execute a Quitclaim Deed and any necessary easements mutually acceptable in form and substance to both parties for the creation of an aerial easement over a portion of the Avenue E right of way in the vicinity of the New Jersey Turnpike as identified on the official tax map of the City of Bayonne, New Jersey as further described in proposed deed attached as Exhibit A and the maps attached as Exhibit B.

SECTION 2. Each property sale shall be subject to the following terms: 1. That no representations of any kind are made by the City of Bayonne as to the condition of the property, said property is being sold in its present condition "as is". Additionally, the City makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property and 2. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

SECTION 3. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the City of Bayonne.

SECTION 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 5. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. The Mayor, Business Administrator, City Clerk and Director of Law are hereby authorized to execute all documents necessary for the conduct of this sale and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds, Subdivisions, easements, access agreements and other conveyance documents.

SECTION 7. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.