

O-20-16
02/19.20

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
AUTHORIZING A LEASE AGREEMENT WITH THE PORT AUTHORITY OF NEW
YORK AND NEW JERSEY FOR A PORTION OF BLOCK 930, LOT 1 AND BLOCK
404, LOT 1 FOR THE USE OF A COMMUTER PASSENGER FERRY TERMINAL**

WHEREAS, THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY (the “*Port Authority*”), a body corporate and politic, created by Compact between the States of New Jersey and New York, with the consent of the Congress of the United States of America, having an office and place of business at 4 World Trade Center, 150 Greenwich Street, New York, New York 10007, the Port Authority is the owner of Block 930 Lot 1 and Block 404 Lot 1; and

WHEREAS, in connection with the continued redevelopment of the former Military Ocean Terminal (“MOTBY”) the City of Bayonne (“City”) is proposing to build and maintain a commuter passenger ferry terminal on a portion of Block 930, Lot 1 and Block 404, Lot 1; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5 a municipality is permitted to enter into a lease for real property; and

WHEREAS, the City and the Port Authority have identified a portion of Block 930, Lot 1 and Block 404, Lot 1 as a suitable location for a ferry terminal; and

WHEREAS, the property to be leased is approximately Sixty Five Thousand Two Hundred Seventy Eight (65,258) square feet of open area, marked as “Land Area” (the “*Upland Area*”), and Forty-Six Thousand Eight-Hundred and Fifty-Two (46,852) square feet of riparian area, marked as “Water Area” (the “*Berth Area*”) on the sketch attached hereto and hereby made a part hereof and marked “Exhibit A,” (collectively the “Premises”); and

WHEREAS, the Port Authority and the City have entered into negotiations for the lease of the Premises for the benefit of the Public and to increase transportation options available to the residents of the City; and

WHEREAS, the City and the Port Authority have reached an agreement as to the form of the lease agreement as set forth in Exhibit A attached hereto and made part of this resolution;

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

SECTION 1. The Mayor, on behalf of the City of Bayonne, is authorized to enter into a Lease Agreement with the Port Authority upon terms and conditions acceptable to the Law Director similar to the form attached hereto as Exhibit A for the creation of a public commuter ferry terminal.

SECTION 2. The lease is made subject to all applicable laws and ordinances of the State of New Jersey and the City of Bayonne.

SECTION 3. 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 4. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. The Mayor, Business Administrator, City Clerk and Law Director are hereby authorized to execute all documents necessary for the conduct of the lease and for the conveyance of the properties listed herein, including but not limited to executing all contracts, access agreements and other conveyance documents.

SECTION 6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

