

O-20-18
03/18/20

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE VACATION OF A PORTION OF THE CITY OF BAYONNE'S RIGHT OF WAY ON EAST 25TH STREET

WHEREAS, the City of Bayonne has established a Right of Way on East 25th Street adjacent to Prospect Avenue and Block **441** Lot **10** as designated on the City of Bayonne Tax Records; and

WHEREAS, the property owners of Block **441** Lot **10** have requested that the City of Bayonne vacate an approximately twenty-foot portion of the 25th Street Right of Way which is adjacent to their property to be included in their Redevelopment Area; and

WHEREAS, the City of Bayonne will still retain the remaining portion of the 25th Street Right of Way road to be used as public space and for the location of the pedestrian bridge for the public benefit; and

WHEREAS, pursuant to N.J.S.A.40:67-19, the Mayor and Council have determined that the public interest will be better served by releasing these lands and extinguishing the public right to this property; and

WHEREAS, the City will no longer be responsible for the upkeep, repair and maintenance of the portion of the East 25th Street Right of Way as described herein; and

WHEREAS, pursuant to N.J.S.A. 40:49-6, after introduction and passage on first reading, notice of this ordinance shall be published at least once, not less than 10 days prior to the hearing when the ordinance shall be considered for final passage, and at least one week prior to consideration for final passage a copy of the ordinance and notice of introduction shall be mailed to every party whose lands are affected by this ordinance; and

WHEREAS, it is the intent of the Ordinance to vacate a portion of the East 25th Street Right of Way, as more particularly set forth in the metes and bounds description set forth in this ordinance and as shown on Exhibit A attached.

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

SECTION 1. Pursuant to the authority granted by N.J.S.A.40:67-19, a portion of the East 25th Street Right of Way, as more particularly described in the metes and bounds description set forth herein, is hereby vacated:

**METES AND BOUNDS DESCRIPTION OF
A MUNICIPAL RIGHT OF WAY ALONG EAST 25TH STREET
TO BE VACATED CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY**

All those certain plots, pieces or parcels of land, situate, with the building and improvements thereon erected, situate, lying and being in the City of Bayonne, Hudson County, State of New Jersey, bounded and described as follows:

BEGINNING at a point on the northwesterly line of Prospect Avenue (60-foot-wide right of way) formed by the intersection of said northwesterly line with the southwesterly line of East 25th Street (80-foot wide right of way) and from said point of beginning, running thence;

1. N 57° 00' 06" W, 100.00 feet, along the northeasterly line of Lot 10, Block 441, to its intersection with the southeasterly line of Lot 12, Block 504, thence

2. N 32° 31' 54" E, 36.27 feet, along line through the bed of East 25th Street to a point, thence

3. S 57° 00' 06" E, 100.00 feet, along a line through the bed of East 25th Street to its intersection with the prolongation of the northwesterly line of Prospect Avenue, thence

4. S 32° 31' 54" W, 36.27 feet, along a line through the bed of East 25th Street along said prolongation of the northwesterly line of Prospect Avenue, to the Point and Place of

BEGINNING.

CONTAINING: 3,627 square feet or 0.083 acres of land more or less.

SUBJECT TO: all other easements, restrictions, reservations, agreements, covenants and rights of way of record. The foregoing description was prepared by the undersigned surveyor for the firm of Maser Consulting, P.A. and is based on a map entitled "Street Vacation of a Portion of the East 25th Street Right of Way," prepared by Maser Consulting, P.A., dated Jan. 7, 2020 revised Feb. 11, 2020.

SECTION 2. All costs and expenses incidental to the introduction, passage and publication of this ordinance, including preparation and mailing of any and all notices related to the Ordinance upon property owners whose property is affected by the proposed vacation of the above described road known as Gould Street and publication shall be borne and paid for by the abutting property owners.

SECTION 3. the City shall file this Ordinance with the Hudson County Clerk within sixty days after the Ordinance becomes effective. Upon filing with the Hudson County Clerk, title shall vest in the abutting property owners.

SECTION 4. This Ordinance shall be subject to the following:

1. In the event the utilities or public walkways/bridges, if any, presently located under the right of way being vacated hereunder, are not moved to another location, an easement in perpetuity is reserved for the benefit of the City of Bayonne and all public utility companies, including any cable television company as defined in the "Cable Television Act" (N.J.S.A. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this vacation 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 vacation ordinance.

SECTION 5. If any section, paragraph provision of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining sections, paragraphs or provisions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION 6. This Ordinance shall take effect upon final passage and publication as required by law.

SECTION 7. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Summary

In exchange for the land being transferred for the intersection the city is receiving a contribution for the pedestrian bridge improvements of approximately \$250,000.

