

O-20-28
4/15/20

AN ORDINANCE AUTHORIZING THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT UTILITY EASEMENTS BY THE CITY OF BAYONNE FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A TWIN AQUEDUCT PIPELINE SYSTEM NECESSARY TO TRANSPORT POTABLE WATER UNDER THE HACKENSACK RIVER AND ON OVER AND/OR THROUGH LANDS LOCATED IN JERSEY CITY AND KEARNY, OWNED BY OTHER PERSONS, ENTITIES OR MUNICIPALITIES.

WHEREAS, Suez Water Environmental Services, Inc., (“SUEZ”) operates the drinking water distribution system which includes approximately 13 miles of aqueduct piping that conveys potable water from a gate house in North Arlington to Bayonne; and

WHEREAS, the portion of the aqueduct where it crosses the Hackensack River is leaking and must be replaced; and

WHEREAS, to mitigate the detrimental effects of the aging pipeline and to ensure continued, safe, reliable water service to the citizens of Bayonne, SUEZ plans to replace the two existing 30-inch diameter ductile iron water transmission mains, approximately 1,900 feet in length, with two new 24-inch polyethylene transmission mains across the Hackensack River (the “Aqueduct Improvements”); and

WHEREAS, the City of Bayonne must acquire temporary and permanent real property rights in, on, over and/or through various lands owned by other persons, entities or municipalities, as set forth in the attached Schedules “A” and “B” incorporated herein and made a part hereof, for purposes of the initial construction and installation of the Aqueduct Improvements and the continued operation, maintenance, inspection, repair, altering and replacing of the Aqueduct Improvements; and

WHEREAS, in order to acquire the temporary and permanent real property rights, the City of Bayonne will likely incur costs, for instance the fair market value of the easement or other mutually agreeable remuneration such as lost income, attorney review fees, etc.; and

WHEREAS, Jersey City Block 16001, Lot 2 is encumbered by the New Jersey Department of Environmental Protection’s Green Acres Program pursuant to which the City of Bayonne must submit an application to divert parkland and pay the fair market value of the temporary and permanent easements proposed thereon in the approximate amount of \$72,767.55, as determined by Real Estate Appraisal Partnership of America, LLC, 241 Hudson Street, Hackensack, New Jersey and set forth in an Appraisal Report dated May 28, 2019; and

WHEREAS, on September 12, 2018, the Municipal Council adopted Bond Ordinance O-18-52 for the estimated maximum amount of \$11,700.00 to finance the Aqueduct Improvements including, but not limited to, construction, acquisition and installation of the Aqueduct Improvements including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction, inspection and

contract administration and all work, materials, labor and appurtenances necessary therefor or incidental thereto; and

WHEREAS, the Municipal Council of the City of Bayonne agrees that acquisition of temporary and permanent easements set forth in Schedules “A” and “B”, in exchange for the fair market value or other mutually agreeable remuneration is necessary and appropriate in furtherance of the Aqueduct Improvements and further that such project is necessary to ensure continued, safe, reliable water service to the citizens of Bayonne and, as such, the preparation, execution and recording of easement agreements is appropriate.

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 temporary construction and permanent utility easements in Schedules “A” and “B”, to be acquired by the City of Bayonne, in form and substance as is approved by the Law Director, in furtherance of the Aqueduct Improvements necessary to ensure a continued safe, and reliable water supply to Bayonne, are hereby approved.

Section 3. The expenditure of funds under Bond Ordinance O-18-52 as necessary for acquisition of the easements in Schedules “A” and “B” is approved.

Section 4. The Mayor and the City Clerk are hereby authorized to execute easement agreements, in form and substance as is approved by the Law Director, which shall be recorded in the Hudson County Register’s Office and run with the lands, binding, benefitting and burdening, as the case may be, the successors and assigns of all parties to the easements in Schedules “A” and “B”.

Section 5. 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 6. A copy of this Ordinance and executed easement agreements in favor of the City of Bayonne shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.