

**O-21-02**  
**1/20/21**

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY  
AUTHORIZING THE VACATION OF A PORTION OF ROAD “D”**

**WHEREAS**, there exists a paper street in the City of Bayonne (the “City”) known as Road “D” as shown on a map entitled “Preliminary/Final Major Subdivision Plan, The Peninsula at Bayonne Harbor, Lot 2.07, Block 404,” filed in the Hudson County Clerk’s Office on March 31, 2006 as Map No. 4088; and

**WHEREAS**, a portion of Road “D” A.K.A., as more particularly described on the metes and bounds description attached hereto as Exhibit “A” (the “To Be Vacated Street”) has never been utilized by the City as a public street; and

**WHEREAS**, the land area where the To Be Vacated Street is located, is currently owned by the Port Authority of New York and New Jersey (the “Port Authority”); and

**WHEREAS**, the Port Authority has entered into a contract to sell the land area where the To Be Vacated Street is located to LEG-BP Bayonne Owner Urban Renewal, LLC; and

**WHEREAS**, LEG-BP Bayonne Owner Urban Renewal, LLC (the “Redeveloper”) has been designated the redeveloper of lands, including the area where the To Be Vacated Street is located, by the City of Bayonne in order to construct a redevelopment project in accordance with the development regulations of The Peninsula at Bayonne Harbor Redevelopment Plan; and

**WHEREAS**, the Redeveloper has requested that the City vacate the To Be Vacated Street in furtherance of its proposed redevelopment project; 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 the To Be Vacated Street for the purpose of redevelopment; and

**WHEREAS**, it is the intent of this Ordinance to vacate the To Be Vacated Street, as more particularly set forth in the metes and bounds description attached hereto as Exhibit “A”.

**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 Road “D”, as more particularly described in the metes and bounds description attached hereto as Exhibit “A” is hereby vacated.

**SECTION 2.** Title to the To Be Vacated Street, as more particularly set forth in the metes and bounds description attached hereto as Exhibit “A”, shall vest in the Port Authority of New York and New Jersey or the then current owner of the lands at the time this Ordinance shall become effective.

**SECTION 3.** In the event utilities, if any, presently located under the right of way being vacated hereunder, are not moved to another location, an easement is reserved for the benefit of such 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.

**SECTION 4.** At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the City Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

**SECTION 5.** The City Clerk shall within sixty (60) days after this Ordinance becomes effective file a copy of the Ordinance, certified by the Clerk, under the seal of the City, to be a true copy of such Ordinance, together with a copy of the proof of publications thereof, in the Hudson County Clerk’s Office with proper index to be provided for the purpose and entitled “vacations” in accordance with the provisions of N.J.S.A. 40:67-21.

**SECTION 6.** Any and all fees associated with the consideration and/or completion of this street vacation request are to be paid for by LEG-BP Bayonne Owner Urban Renewal, LLC, the designated redeveloper of the lands.

**SECTION 7.** If any section, paragraph or 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 8.** This Ordinance shall take effect upon final passage and publication as required by law.

**SECTION 9.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

#### Summary

Lincoln Equites is in the process of purchasing additional land from the Port Authority. The old layout of MOTBY contained proposed roadways such as this one. The layout of the Lincoln equites warehouse does not require Road D. in order for the sale to be completed with out any title issues the city needs to vacate their right to the roadway.