

O-21-36
8/18/21

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A PORTION OF MECHANIC STREET RIGHT OF WAY

WHEREAS, the City of Bayonne has the City of Bayonne has established a right of way on Mechanic Street adjacent to Avenue F and surrounded by Block 450, Lots 1, 10.02, 22, 23 and 24 as designated in the City of Bayonne tax records; and

WHEREAS, the fee owner and redeveloper of the surrounding lands has requested that the City of Bayonne vacate an approximately 60-foot portion of the Mechanic Street right of way, as more particularly described and depicted in the metes and bounds description and map attached hereto as **Exhibit A**, which is adjacent to their property and will be included in their redevelopment project; and

WHEREAS, the City of Bayonne will still retain the remaining portion of Mechanic Street to be used as a public road and right of way; 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 area to be vacated for the purpose of redevelopment; and

WHEREAS, the City will no longer be responsible for the upkeep, repair and maintenance of the subject portion of the Mechanic Street right of way as described herein; and

WHEREAS, it is the intent of the Ordinance to vacate the portion of the Mechanic Street right of way, as more particularly set forth in the metes and bounds description and map in **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, the portion of the Mechanic Street right of way, as more particularly described in the metes and bounds description and map attached hereto as **Exhibit A**, is hereby vacated.

Section 2. In the event utilities or public walkways, if any, presently located on or 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.

Section 3. After being introduced and having passed a first reading, this Ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage in accordance with the provisions of N.J.S.A. 40:49-6.

Section 4. At least one (1) week prior to the time fixed for further consideration for final passage of this Ordinance, 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 or any assessment which may be made in pursuance thereof, 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. Upon filing with the Hudson County Clerk, title to the vacated portion of Mechanic Street right of way, as more particularly set forth in the metes and bounds description and map attached hereto as **Exhibit A**, shall vest in Mechanic Street Owner, LLC, the fee owner of the surrounding lands.

Section 7. Any and all costs, fees and expenses associated with the consideration and/or completion of this street vacation request, including but not limited to preparation and mailing of any and all notices related to the Ordinance upon property owners whose property is affected by the proposed vacation, are to be paid for by Mechanic Street Owner, LLC, the fee owner of the surrounding lands.

Section 8. 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 9. This Ordinance shall take effect upon final passage and publication as required by law.

Section 10. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Summary

In connection with the redevelopment of Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24 (Carruba Property) and in accordance with the Redevelopment Plan and Financial Agreement between the City and Parkview, a portion of Mechanic Street is to be vacated for the construction of a multi-family residential apartment building and related improvements.