

O-22-29
9/21/22

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “City” or “Grantor”), is a public body corporate and politic of the State of New Jersey (the “State”); and

WHEREAS, 957 BROADWAY URBAN RENEWAL, LLC is a limited liability company licensed to do business in the State of New Jersey, having an address of 534 Broadway, Bayonne, NJ 07002 (“Grantee”); and

WHEREAS, Grantee is the owner of the property designated as Block 77, Lot 16.01 on the official tax map of the City of Bayonne and more commonly known as 957-965 Broadway (the “Property”); and

WHEREAS, Grantee has requested that the City permit certain physical encroachments within the public right-of-way adjacent to Grantee’s Property facilitate the construction of two vestibules in connection with the ground-floor commercial space located in the existing building on the Property, including the installation of all encroaching improvements to be located with two (2), 2 foot by 8 foot areas on Broadway; and

WHEREAS, the proposed encroachments within the public right-of-way are subject to Municipal Council of the City of Bayonne approval; and

WHEREAS, the City believes that the entry of an Encroachment Agreement over and on the City’s Property will allow for a building design that offers improved planning and zoning perspective that will benefit the City and its residents; and

WHEREAS, the Municipal Council of the City of Bayonne agrees that conveyance of the easements to the Redeveloper is necessary, and as such execution and recording of said easements is appropriate.

NOW THERE, 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. An Encroachment Agreement between the City of Bayonne and 957 Broadway Urban Renewal, LLC for the benefit of 957 Broadway Urban Renewal, LLC for the purposes set forth herein is hereby authorized.

Section 3. The Mayor or his designee is hereby authorized to execute the Encroachment Agreement on behalf of the City of Bayonne in such a form deemed advisable by

the City Attorney or Special Redevelopment Counsel to the City, subject to any and all conditions contained herein, and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel.

Section 4. 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 5. A copy of this Ordinance and Encroachment Agreement by the City of Bayonne for the benefit of 957 Broadway Urban Renewal, LLC, shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.