

O-23-65  
12/13/23

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT WITH 746 AVE E URBAN RENEWAL, LLC FOR PROPERTY LOCATED AT 746 AVENUE E AND IDENTIFIED AS BLOCK 393, LOT 3.01 ON THE OFFICIAL TAX MAP OF THE CITY**

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

**WHEREAS**, 746 AVE E URBAN RENEWAL, LLC is a limited liability company licensed to do business in the State of New Jersey, having an address of 740 West Fingerboard Road, Staten Island, New York 10305 (the “Redeveloper”); and

**WHEREAS**, Redeveloper is the owner of the property designated as Block 393, Lot 3.01 on the official tax map of the City of Bayonne and more commonly known as 746 Avenue E (the “Property”); and

**WHEREAS**, Redeveloper has requested that the City permit certain physical encroachments within the public right-of-way adjacent to Redeveloper’s Property to facilitate the construction of the residential and commercial space entrances located in the existing building on the Property, including the installation of all encroaching improvements to be located within the entrances located along Avenue E; 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 the Encroachment Agreement with Redeveloper is necessary, and as such execution of said agreement 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 746 Ave E Urban Renewal, LLC for the benefit of 746 Ave E 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 746 Ave E 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.