

O-16-19
04/20/16

CITY OF BAYONNE, COUNTY OF HUDSON

**ORDINANCE AUTHORIZING THE VACATION OF
A PORTION OF WEST SIXTH STREET**

WHEREAS, the property owners whose property abuts a portion of West Sixth Street on both sides have requested that the City of Bayonne vacate that portion of West Sixth Street which is adjacent to their property; and

WHEREAS, the portion of West Sixth Street referred to herein has never been utilized by the City of Bayonne as a public street and, therefore, 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 this property ; and

WHEREAS, pursuant to N.J.S.A. 40:49-6, after introduction and passage on first reading, notice of this ordinance shall be published at least once, not less than 10 days prior to the hearing when the ordinance shall be considered for final passage and at least one week prior to consideration for final passage a copy of the ordinance and notice of introduction shall be mailed to every party whose lands are affected by this ordinance; and

WHEREAS, it is the intent of the Ordinance to vacate a portion of West Sixth Street, as more particularly set forth in the metes and bounds description set forth in this ordinance.

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 West Sixth Street in the City of Bayonne, as more particularly described in the metes and bounds description set forth herein, is hereby vacated:

**METES AND BOUNDS DESCRIPTION OF
WEST SIXTH STREET,
A MUNICIPAL RIGHT OF WAY TO BE VACATED
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY**

Beginning at a point 200 feet North of the intersection formed by the Westerly line of **Avenue A**, a road with 70 foot right of way, and the Northerly line of **West Fifth Street**, a road with a 80 foot right of way, said point also being the Southeastern corner of **West Sixth Street**, an unimproved and undedicated 50 foot wide road, and running thence

1) North 33° 30' 40" East, 50.00 feet along said westerly line of **Avenue A** to a point in the northerly line of **West Sixth Street** thence

2) North 56° 29' 20" West, 150.00 feet along said Northerly line of **West Sixth Street** to a point in the Westerly line of **West Sixth Street**, thence

3) South 33° 30' 40" West, 50.00 along said Westerly line of **West Sixth Street** to a point in the Southerly line of **West Sixth Street**, thence

4) South 56° 29' 20" East, 150.00 feet along said Southerly line of **West Sixth Street** to the point or place of beginning

Containing an area of 7,500 square feet or 0.172 acres

SECTION 2. All costs and expenses incidental to the introduction, passage and publication of this ordinance, including preparation and mailing of any and all notices related to the Ordinance upon property owners whose property is affected by the proposed vacation of the above described portion of West Sixth Street and publication shall be borne and paid for by West Sixth Street Realty LLC.

SECTION 3. West Sixth Street Realty LLC shall file this Ordinance with the Hudson County Clerk within sixty days after the Ordinance becomes effective. Upon filing with the Hudson County Clerk, title shall vest in West Sixth Street Realty LLC and C & A Development Corp.

SECTION 4. This Ordinance shall be subject to the following:

1. In the event the utilities, if any, presently located 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 ordinance.

SECTION 5. If any section, paragraph 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 6. This Ordinance shall take effect upon final passage and publication as required by law.

SECTION 7. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

