

O-16-29
05/18/16

CITY OF BAYONNE, COUNTY OF HUDSON

**ORDINANCE AUTHORIZING THE VACATION
OF HOOK ROAD (A PAPER STREET)**

WHEREAS, IMTT-Bayonne, the property owner whose property abuts Hook Road (more particularly described as that certain paper road running perpendicular to East 22nd Street and Constable's Hook Bridge as reflected on Sheet 137 on the Tax Map of the City of Bayonne prepared by Richard A. Moralle, P.E., P.L.S., dated August 2003) on both sides, has requested that the City of Bayonne vacate Hook Road; and

WHEREAS, the portion Hook Road 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 Hook Road as more particularly described above.

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, Hook Road in the City of Bayonne, more particularly described as that certain paper road running perpendicular to East 22nd Street and Constable's Hook Bridge as reflected on Sheet 137 on the Tax Map of the City of Bayonne prepared by Richard A. Moralle, P.E., P.L.S., dated August 2003, is hereby vacated.

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 Hook Road and publication shall be borne and paid for by IMTT-Bayonne .

SECTION 3. IMTT-Bayonne 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 IMTT-Bayonne.

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.