

Agenda No. O-13

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT WITH J. PAR REALTY, LLC AND PKD, LLC FOR PROPERTY LOCATED AT 21-29, 35 & 37 WEST 25TH STREET AND IDENTIFIED AS BLOCK 183, LOTS 5, 6 AND 8.01 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, J. PAR REALTY, LLC and PKD, LLC are limited liability companies licensed to do business in the State of New Jersey, having an address at 21-29 West 25th Street, Bayonne, New Jersey 07002 (collectively, the “Grantee”); and

WHEREAS, Grantee is the owner of the property designated as Block 183, Lots 5, 6 and 8.01 on the official tax map of the City of Bayonne and more commonly known as 21-29, 35 & 37(the “Property”); and

WHEREAS, the Grantee has requested that the City permit the encroaching improvements to facilitate the permitted uses of the new apartment building, which include the installation of: (1) two (2) canopies that extend four (4) feet into and twenty-eight (28) feet along the West 25th Street, where each canopy would total approximately 112 square feet; and (2) a proposed 8 foot x 23 foot (approximately 184 square foot) “pull-in” space located on West 25th Street (the Encroaching Improvements”); and

WHEREAS, the proposed Encroaching Improvements 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 an 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 Grantee is necessary, and as such execution of said agreement is appropriate.

NOW THEREFORE, 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 J. Par Realty, LLC and PKD, LLC for the benefit of J. Par Realty, LLC and PKD, 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 J. Par Realty, LLC and PKD, 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.