

**O-16-35**  
**06/22/16**

**AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF A GRANT OF A UTILITY EASEMENT THROUGH PROPERTY KNOWN AS BLOCK 474.02, LOT 2.01 AND THROUGH THE 5<sup>TH</sup> STREET EXTENSION FOR THE BENEFIT OF BLOCK 476.01, LOT 10.01**

**WHEREAS**, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”) is the owner in fee simple of a certain tract of real property situate in the City of Bayonne currently known as Block 474.02, Lot 2.01, (the “City Property”); and

**WHEREAS**, Duraport Realty Four, LLC, (the “Duraport”) is or will become the owner in fee simple of real property identified as Block 476.01, Lot 10.01 (“Duraport Property”) in the City of Bayonne, County of Hudson, State of New Jersey, as shown on an approved Major Subdivision Plan prepared by Matrix Newworld dated April 14, 2016, which Major Subdivision Plan has been or will be recorded with the Office of the Hudson County Register; and

**WHEREAS**, there exists a sixty (60) foot wide right-of-way between the City’s Property and Duraport Property known as the 5<sup>th</sup> Street Extension that has been dedicated and accepted by the City of Bayonne as a public roadway; and

**WHEREAS**, the City wishes to convey a non-exclusive twenty (20) foot wide utility easement through the 5<sup>th</sup> Street Extension and through a portion of the City’s Property as more particularly described on a metes and bounds description prepared by Albert N. Faraldi, dated May 13, 2016, which description is annexed hereto as **Exhibit A** (“Easement Premises”); and

**WHEREAS**, the purpose of the utility easement is to permit Duraport to install, extend, operate, and maintain certain utilities and related improvements associated with future development on the Duraport Property through the Easement Premises, including but not limited to the installation of a sanitary sewer line; and

**WHEREAS**, the Municipal Council of the City of Bayonne agrees that conveyance of a utility easement to the Redeveloper is necessary and appropriate, and as such execution and recording of said easement 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.** The proposed utility easement by the City of Bayonne for the benefit of Duraport Realty Four, LLC is hereby approved.

**Section 3.** The Mayor or his designee is hereby authorized to execute the utility easement by the City of Bayonne for the benefit of Duraport Realty Four, LLC on behalf of the City of Bayonne.

**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 easement by the City of Bayonne to Duraport Realty Four, 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.

## Exhibit A

Claudia B. Faraldi, President  
Director of Management



Albert N. Faraldi, PLS, PP  
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05-13-2016

**Description of a proposed 20 foot wide utility easement over Lot 2.01 Block 474.02,  
benefitting  
Lot 10, Block 476.01, Tax Map of City of Bayonne, Hudson County, New Jersey**

**Beginning** at a point in the southerly line of **Oak Street**, a paved roadway with a 60 foot right of way, said point also being along the dividing line between lots 1.01 and 2.01 in city block 474.02, and running thence

- 1) North 88° 25' 40" East 67.38 feet along said southerly line of **Oak Street** to a point, thence
- 2) South 00° 35' 31" West 57.81 feet to a point, thence
- 3) South 89° 23' 50" East 240.15 feet to a point, thence
- 4) South 29° 23' 50" East 212.45 feet to a point, thence
- 5) North 76° 05' 40" East 2.45 feet to a point in the westerly line of a proposed 60 foot right of way (Commonly known as 5<sup>th</sup> Street connection), thence
- 6) Along said westerly line, on a curve to the right, on the course South 17° 28' 36" East with a radius of 335.00 feet and an arc length of 20.04 feet to a point, thence
- 7) South 76° 05' 40" West 18.90 feet, parallel to and 20 feet south of the 5<sup>th</sup> course, to a point, thence
- 8) North 29° 23' 50" West 216.11 feet, parallel to and 20 feet west of the 4<sup>th</sup> course, to a point, thence
- 9) North 89° 23' 50" West 248.60 feet, parallel to and 20 feet south of the 3<sup>rd</sup> course, to a point, thence
- 10) North 00° 35' 31" East 57.04 feet, parallel to and 20 feet west of the 2<sup>nd</sup> course, to a point, thence
- 11) South 88° 25' 40" West 46.76 feet, parallel to and 20 feet south of the 1<sup>st</sup> course, to a point, thence
- 12) North 01° 07' 50" West 20.00 feet to the point or place of beginning.

Containing an area of 11,679 Square Feet or 0.268 Acres

Prepared by, Albert N. Faraldi, PLS PP