

O-17-13
03/15/17

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY RUNNING NORTH FROM WEST 63RD STREET, BAYONNE (a/k/a The Route 440 Access Road) EXTENDING NORTH PAST DANFORTH AVENUE, JERSEY CITY UNDER WHICH A CITY PIPELINE USED TO DELIVER SEWAGE FOR TREATMENT RUNS (the “Property”) TO THE CITY OF JERSEY CITY FOR ONE DOLLAR AND RETAINING AN EASEMENT FOR THE SEWAGE PIPELINE

WHEREAS, the City of Bayonne, as successor in interest to the Bayonne Municipal Utilities Authority, owns real property running North from West 63rd Street, Bayonne (a/k/a the Route 440 Access Road) extending north past Danforth Avenue, Jersey City (the “Property”); and

WHEREAS, the City of Bayonne’s Pipeline force main (the “Pipeline”), which is used to deliver sewage treatment, runs underneath the Property; and

WHEREAS, the City of Bayonne does not use surface of the Property above the Pipeline, but must maintain the surface above and adjacent to the Pipeline and adjacent to the Property at the sole cost and expense of the City of Bayonne; and

WHEREAS, the City of Jersey City has expressed an interest in using the surface area of the Property as a passive park and walkway (the “Project”), which would be maintained by the City of Jersey City; and

WHEREAS, the City of Bayonne is desirous of accommodating the city of Jersey City’s interest in developing the surface area of the Property into a passive park and walkway and eliminating the City of Bayonne’s obligations with respect to the maintenance of the surface area of the Property by way of a sale of the Property to the city of Jersey City; and

WHEREAS, the City of Bayonne is desirous of retaining an easement in the Property for the purpose of operating, maintaining and servicing the Pipeline as part of a proposed sale; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1), a municipality may sell, at private sale, by ordinance, real property to any political subdivision or body politic of the State of New Jersey;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Bayonne, County of Hudson and State of New Jersey as follows:

Section 1. That the Mayor is hereby authorized to enter into a Contract of Sale between the City of Bayonne and the City of Jersey City for the sale of the property real property running North from West 63rd Street, Bayonne (a/k/a the Route 440 Access Road) extending north past Danforth Avenue, Jersey City (the “Property”) for the sum of \$1.00 with the proviso that the City of Bayonne is to retain an easement for the operation, maintenance and service of a pipeline force main underneath the Property.

Section 2. The Mayor and City Clerk are authorized to sign such documents as are necessary, advisable and proper to sell said property consistent with the terms set forth in Section 1 above.

Section 3. Ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed but only to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage, publication and other provisions in accordance with applicable law.