

O-18-29
05/16/18

AN ORDINANCE

TO AUTHORIZE THE ADDENDUM TO AND PARTIAL RELEASE OF THAT CERTAIN DEED OF EASEMENT FROM THE CITY OF BAYONNE TO THE BAYONNE MUNICIPAL UTILITIES AUTHORITY (“BMUA”) DATED OCTOBER 5, 2006, RECORDED ON OCTOBER 18, 2006, IN THE HUDSON COUNTY CLERK/REGISTERS OFFICE IN DEED BOOK 8028 AT PAGE 56 (“EASEMENT”) GRANTING THE BMUA RIGHTS TO INSTALL, OPERATE, MAINTAIN, REPAIR AND REPLACE WATER AND SEWER SYSTEMS SERVICING REDEVELOPMENT THROUGHOUT THE FORMER BAYONNE MILITARY OCEAN TERMINAL, FORMERLY BLOCKS 404, LOT 1 (“PENINSULA”) SO AS TO EXTINGUISH THE RIGHTS AND OBLIGATIONS OF THE PARTIES WITH THE EXCEPTION OF A 20-FOOT-WIDE SANITARY SEWER EASEMENT LOCATED AT BLOCK 700, LOT 1, A PORTION OF HARBOR STATION SOUTH, IN FAVOR OF BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700, LLC, THE SUCCESSOR PURCHASER OF A PORTION OF THE PROPERTY COMPRISING THE PENINSULA.

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES ORDAIN:

Section 1. That the rights and obligations of the parties under that certain Deed of Easement from the City of Bayonne to the Bayonne Municipal Utilities Authority (“BMUA”) dated October 5, 2006, recorded on October 18, 2006, in the Hudson County Clerk/Register’s Office in Deed Book 8028 at Page 56 granting the BMUA rights to install, operate, maintain, repair and replace water and sewer systems servicing redevelopment throughout the former Bayonne Military Ocean Terminal, formerly Blocks 404, Lot 1 (“Peninsula”), which has been subdivided into various blocks and lots, including Block 700, Lot 1, part of Harbor Station South, shall be extinguished, and the parties released, except as provided, pursuant to the terms of that certain Addendum To And Partial Release of Deed of Easement, dated April 3, 2018 (“Addendum and Partial Release”), a copy of which is attached hereto, upon the recording of same in the Hudson County Clerk/Register’s Office.

Section 2. That pursuant to the Addendum and Partial Release, Bayonne Redevelopers Urban Renewal Block 700, LLC, the successor purchaser of Block 700 Lot 1, shall retain those rights and continue to be bound by those obligations set forth in the Easement, with respect to a 20-foot-wide sewer easement.

Section 3. That the said sewer easement is more specifically described and shall be in accordance with the Metes and Bounds Description prepared by Maser Consulting, P.A., dated March 16, 2018 and Easement Plan prepared by Maser Consulting, P.A., dated March 20, 2018, attached to the Addendum and Partial Release and made a part hereof.

Section 3. That the said Addendum and Partial Release shall be in substance and form as is approved by the Law Department.

Section 4. The Mayor and City Clerk are hereby authorized to execute and/or deliver for recording said Addendum and Partial Release, which shall be recorded in the Hudson County Clerk / Register's Office and run with the lands, binding, benefitting and burdening, as the case may be, the successors and assigns of all parties to the Addendum.