

O-19-06
01/16/19

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON,
NEW JERSEY AUTHORIZING THE VACATION OF A PORTION OF
ROAD "A" A.K.A MEMORIAL BOULEVARD**

WHEREAS, the property owners whose property abuts a portion of Road "A" A.K.A. Memorial Boulevard on both sides have requested that the City of Bayonne vacate that portion of Road "A" which is adjacent to their property; and

WHEREAS, the portion of Road "A" A.K.A. Memorial Boulevard referred to herein has never been utilized by the City of Bayonne as a public street and only exists as a proposed street; and

WHEREAS, the portion of Road "A" A.K.A. Memorial Boulevard referred to herein is not needed in accordance with the new redevelopment plan for the Maritime District at the Peninsula at Bayonne Harbor; and

WHEREAS, 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 a portion of Road “A” A.K.A. Memorial Boulevard, as more particularly set forth in the metes and bounds description set forth in this ordinance and as shown on Exhibit A attached.

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, a portion of Road “A” A.K.A. Memorial Boulevard, as more particularly described in the metes and bounds description set forth herein, is hereby vacated:

**METES AND BOUNDS DESCRIPTION OF
ROAD “A” A.K.A. MEMORIAL BOULEVARD
A MUNICIPAL RIGHT OF WAY TO BE VACATED
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY**

BEGINNING at a point in the southerly sideline of Road “A”, also known as Memorial Boulevard, as shown on a map entitled “Preliminary/Final Major Subdivision Plan, The Peninsula at Bayonne Harbor, Lot 2.07, Block 404,” filed in the Hudson County Clerk’s Office on March 31, 2006 as Map No. 4088, said point being in the northerly line of lands now or formerly of the Port Authority of NY & NJ as described in Deed Book 8746 at Page 254, being Block 900 Tax Lot 1 and known as Lot 1 in Block 404.17 as shown on said Filed Map 4088, distant 151.58 feet on a course of South 66 degrees 16 minutes 59 seconds East from the easterly sideline of “M” Street (aka Road “J”), and running; thence

1. By a new line through said Road “A”, North 09 degrees 16 minutes 24 seconds West a distance of 131.27 feet to a point in the northerly sideline of said Road “A”; thence
2. Along said northerly sideline and the southerly line of lands now or formerly of LEG-BP Bayonne Owner LLC as described in Deed Book 9309 at Page 567, being Block 1180 Tax Lot 1 and known as Lot 1 in Block 1180 as shown on a map entitled “Preliminary/Final Major Subdivision Plan, The Peninsula at Bayonne Harbor, Lot 2.01, Block 404,” filed in the Hudson County Clerk’s Office on April 18, 2018 as Map No. 5081, and then along lands now or formerly of the City of Bayonne as described in Deed Book 8952 at Page 477, being Block 1180 Tax Lot 2 and known as Lot 2 as shown on said Filed Map No. 5081, South 66 degrees 13 minutes 01 second East a distance of 551.78 feet, to a MAG nail with shiner, identified ‘Langan’ (passing over a PK nail found at the southeasterly corner of said Block 1180 Lot 2 a distance of 33.97 feet from the terminus of this course); thence
3. Continuing along said northerly sideline and said Block 1180 Lot 1, South 66 degrees 18 minutes 57 seconds East a distance of 1125.42 feet (passing over a PK nail found in the northerly sideline of Road “A” 400 feet from the terminus of this course); thence
4. Continuing along the same, South 66 degrees 16 minutes 28 seconds East a distance of 884.97 feet to a point (passing over a PK nail found in the northerly sideline of said Road “A” a distance of 250 feet from the beginning of this course); thence

5. By a new line through said Road "A", South 23 degrees 40 minutes 17 seconds West a distance of 109.98 feet to a point in the said southerly sideline of Road "A"; thence
6. Along said southerly sideline and the northerly line of lands now or formerly of the Port Authority of NY & NJ as described in Deed Book 8746 at Page 254, being Block 1000 Tax Lot 1 and known as Lot 2 in Block 404.17 as shown a map entitled "Preliminary/Final Major Subdivision Plan, The Peninsula at Bayonne Harbor, Lot 2.07, Block 404," filed in the Hudson County Clerk's Office on March 31, 2006 as Map No. 4089, North 66 degrees 16 minutes 59 seconds West a distance of 1016.54 feet to a point of curvature; thence
7. Along said southerly sideline and the northerly line of Block 1000 Lot 1 on a curve to the left having a radius of 15 feet, an arc length of 23.57 feet, a central angle of 90 degrees 02 minutes 06 seconds and a chord which bears South 68 degrees 41 minutes 58 seconds West, a distance of 21.22 feet to a point of non-tangency in the division line between said Block 1000 Tax Lot 1 and said Block 900 Tax Lot 1; thence
8. Along said Road "A" and Block 900 Tax Lot 1, North 23 degrees 40 minutes 55 seconds East a distance of 15.01 feet to a point; thence
9. Along the said southerly sideline of Road "A" and northerly line of Block 900 Lot 1, North 66 degrees 16 minutes 59 second West, a distance of 1459.24 feet, to the point and place of BEGINNING.

Containing an area of 277,655 square feet or 6.374 acres

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 the above described portion of Road "A" A.K.A. Memorial Boulevard and publication shall be borne and paid for by LEG-BP Bayonne Owner LLC.

SECTION 3. LEG-BP Bayonne Owner LLC 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 LEG-BP Bayonne Owner LLC.

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.