

Ordinance of the City of Jersey City, N.J.

File No. Ord. 22-066
Agenda No. 3.1 (1st Reading)
Agenda No. 4.1 (2nd Reading and Final Passage)



AN FRANCHISE ORDINANCE GRANTING PERMISSION TO 199 SUMMIT, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY OF INGWERSON PLACE FOR THE PROPERTY LOCATED AT 199-201 SUMMIT AVENUE, 62-64 STORMS AVENUE, 203 AND 207 SUMMIT AVENUE, 46 STORMS AVENUE, 1 THROUGH 9 INGWERSON PLACE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 15201, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 AND 89.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, 199 Summit, LLC, having offices located at 361 15th Street, Hoboken, New Jersey 07030, is the owner of the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 through 9 Ingwerson Place, Jersey City, New Jersey and known as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89 on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, pursuant to a Resolution for Preliminary and Final Major Site Plan Approval, Case #Z20-042, the City's Zoning Board of Adjustment granted approval to develop a new mixed-use project containing 172 residential units, approximately 1,045 sq. ft. of retail space and 111 parking spaces in two (2), five-story buildings (Exhibit A); and

WHEREAS, the development of the Property includes the proposed construction of an approximately 8,362 sq. ft. public park that will provide recreational and open space to the public and residents of Jersey City; and

WHEREAS, the public park is proposed to be developed on both private lands and a public right-of-way; and

WHEREAS, the public park is proposed to be developed within tax Block 15201 on New Lot 6.01, Lot 89, and the Ingwerson Place public right-of-way; and

WHEREAS, the access and use of the public park will be coordinated with the Jersey City Division of Parks and Forestry; and

WHEREAS, a portion of Ingwerson Place will be also improved with a driveway to provide ingress and egress to the Project; and

WHEREAS, Ingwerson Place is a City owned public right-of-way; and

WHEREAS, 199 Summit LLC, its successors and/or assigns, is solely responsible for all costs associated with the development and construction of the public park and the driveway; and

WHEREAS, 199 Summit, LLC, its successor and/or assigns, is solely responsible for the continued maintenance of the public park and the maintenance of the public park's improvements in perpetuity; and

WHEREAS, the Petitioners have provided a proposed Franchise Area Plan (Exhibit B); a metes and bounds description of the area and the driveway area (Exhibit C); and a rendering of the proposed public park (Exhibit D); and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to place these improvements within Ingwerson Place, a city-owned public right-of-way; and

WHEREAS, the proposed improvements will not impede or have a negative impact on typical pedestrian or emergency vehicle use; and

WHEREAS, 199 Summit, LLC, has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests of the development and the general welfare; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by 199 Summit, LLC to grant permission to construct private improvements within the public right-of-way, to wit, Ingwerson Place, for the following purposes:

1. The public park's contemplated improvements will include plantings, landscaping, a playground, benches, trash cans and permeable pavers, all of which will be publicly accessible and will promote public purposes and

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89.

utility of the Property, and a portion of the public right-of-way will be improved with a driveway to provide ingress and egress to the Project.

2. its successor and/or assigns, shall be solely responsible for the continued maintenance of the public park and its improvements in perpetuity.

WHEREAS, the Jersey City Zoning Officer and Building Department can approve the construction of these improvements at the subject Property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this Property is situated, the said improvements will enhance public purposes, and the aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to 199 Summit, LLC, its successors and/or assigns, to construct and maintain private improvements to a portion of lands located within the Ingwerson Place public right-of-way as shown on the current tax maps of the City of Jersey City, said areas being more particularly described on the Franchise Area Plan and the metes and bounds descriptions attached hereto as Exhibits B and C respectively.

- a. construction of private improvements within the Ingwerson Place public right-of-way to provide for the development of a public park and its contemplated improvements including plantings, landscaping, a playground, benches, trash cans and permeable pavers within the public right-of-way, and a portion of the public right-of-way will be improved with a driveway to provide ingress and egress to the Project.
- b. There will remain sufficient area in the right-of-way for pedestrian and emergency vehicle use.
- c. The contemplated improvements will be constructed consistent with the development plans approved by the Jersey City Zoning Officer and Building Department.
- d. , its successor and/or assigns in perpetuity.
- e. The contemplated improvements will be publicly accessible to the residents of the City of Jersey City, and the access and use of the park will be coordinated with the Jersey City Parks Division of Parks and Forestry and will greatly benefit the Petitioner’s property and the surrounding area and neighborhood.
- f. its successors and/or assigns, shall provide one (1) garage parking space within the Project to the property owner of 50 Storms Avenue (Block 15201, Lot 10) at Petitioner’s sole cost and expense.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and emergency vehicle access. 199 Summit, LLC, and its successors and/or assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said 199 Summit, LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, 199 Summit, LLC, its successors and/or assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. 199 Summit, LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$2,000,000.00 or in such amount and type as the City of Jersey City’s Risk Manager may deem reasonable shall be delivered to the Risk

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89.

Manager before use and occupancy of the property subject to this Franchise Ordinance. Insurance limits shall be reviewed annually by the Risk Manager to determine if they need to be increased.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise 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 Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X. A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

A. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

B. This Ordinance shall take effect at the time and in the manner as provided by law.

C. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89.

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89.

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Jul 13 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	


RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Aug 17 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	ABSENT	GILMORE	AYE	WATTERMAN, PRES.	AYE	

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		


RECORD OF FINAL COUNCIL VOTE – Aug 17 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	ABSENT	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on Jul 13 2022
Adopted on second and final reading after hearing on Aug 17 2022


This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on Aug 17 2022



City Clerk



Joyce E. Watterman, President of Council
Approved: Aug 17 2022



Steven M. Fulop, Mayor
Date to Mayor: Aug 18 2022
Approved: Aug 18 2022

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Renee Jackson, Assistant Municipal Clerk		2015474842	renee@jcnj.org
Department	Municipal Clerk		
Division	Municipal Clerk		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Aug 17 2022
---------	--

Purpose

An Franchise Ordinance granting permission to 199 Summit, LLC, its Successors And/or Assigns, to make private improvements in the Public Right-of-way of Ingwerson Place for the property located at 199-201 Summit Avenue, 62-64 Storms Avenue, 203 and 207 Summit Avenue, 46 Storms Avenue, 1 Through 9 Ingwerson Place, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89

Cost (Identify all sources and amounts)	Contract term (include all)
n\	

ATTACHMENTS:

20220621130309 20220621130319 20220621130329
--

Approved by Sean Gallagher, City Clerk Ray Reddington, Attorney John Metro, Business Administrator	Status: Approved - Jul 05 2022 Approved - Jul 05 2022 Approved - Jul 05 2022
---	---

PETITION

TO: THE HONORABLE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, 199 Summit, LLC, having offices located at 361 15th Street, Hoboken, New Jersey, 07030, respectfully says that:

1. Petitioner is the owner of the property located at 199-201 Summit Avenue; 62-64 Storms Avenue; 203 and 207 Summit Avenue; 46 Storms Avenue; 1 through 9 Ingwerson Place also designated as Block 15201, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 53, 64, 65, 66 and 89 on the current tax maps of the City of Jersey City (the "Property"). The Petitioner is developing the Property with a new mixed-use project containing 172 residential units, approximately 1,045 sq. ft. of retail space and 111 parking spaces in two (2), five-story buildings (the "Project"). The Property is located within the R-1 One and Two Family Housing District (the "R-1 Zone").

2. On May 27, 2021, the Jersey City Zoning Board of Adjustment approved the Preliminary and Final Major Site Plan for the Property pursuant to Z20-042.

3. As part of the Project, Petitioner will develop a public park utilizing Ingwerson Place, a public right-of-way, and a portion of the public right-of-way as a driveway to service the Project.

4. The access and use of the public park will be coordinated with the Jersey City Division of Parks and Forestry.

5. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

A. The public park's contemplated improvements will include plantings, landscaping, a playground, benches, trash cans and permeable pavers. A portion of the public right-of-way will be improved with a driveway to provide ingress and egress to the Project.

B. All costs associated with these improvements will be incurred by the Petitioner, and the Petitioner shall be solely responsible for the continued maintenance of the public park and its improvements in perpetuity, and there being no objections thereto.

6. The contemplated improvements would be publicly accessible to the residents of the City of Jersey City, and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully petitions for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make improvements within the public right-of-way of Ingwerson Place, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: _____
o/b/o 199 Summit, LLC
Charles J. Harrington, III, Esq.,
Attorney for the Petitioner



AZZOLINA & FEURY ENGINEERING, INC.

Professional Engineers and Land Surveyors

30 Madison Avenue, Paramus, NJ 07652 • (201) 845-8500 • Fax (201) 845-3825
110 Stage Road, Monroe, NY 10950 • (845) 782-8681 • Fax (845) 782-4212

Job No. 10457
Date: June 1, 2022

Description of Franchise Area

Prepared For
Green Property, LLC
City of Jersey City
P/O Ingwersen Place & Block 15201 – Tax Lots 6, 7, 8, 9 & 89
City of Jersey City
Hudson County, New Jersey

All that certain lot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being in the City of Jersey City, County of Hudson, State of New Jersey:

Beginning at a point in the Northerly line of Ingwersen Place (variable width ROW), said point being located at the intersection formed by the aforesaid Northerly line of Ingwersen Place and the Easterly line of Storms Avenue (53.00 feet wide); and running thence:

- 1) North 85 degrees 30 minutes 00 seconds East, 78.00 feet along the Northerly line of Ingwersen Place to a point; thence,
- 2) North 04 degrees 30 minutes 00 seconds West, 40.00 feet to a point; thence
- 3) North 85 degrees 30 minutes 00 seconds East, 72.00 feet to a point; thence,
- 4) South 04 degrees 30 minutes 00 seconds East, 50.00 feet, across Ingwersen Place and to a point in the southerly line of Ingwersen Place; thence,
- 5) South 85 degrees 30 minutes 00 seconds West, 20.85 feet along the Southerly line of Ingwersen Place to a point; thence,
- 6) South 32 degrees 37 minutes 03 seconds West, 31.35 feet to a point; thence,
- 7) South 85 degrees 30 minutes 00 seconds West, 110.23 feet to a point in the Easterly line of Storms Avenue; thence,
- 8) North 04 degrees 30 minutes 00 seconds West, 35.00 feet along the aforementioned Easterly line of Storms Avenue and to the Point or Place of Beginning.

Said parcel contains 7,372 Sq. Ft. or 0.1692 Acre and is subject to any easements of record that a title search may disclose. Said parcel will serve as the franchise area per agreement with the City.

JOHN A. LOCH, P.L.S.
N.J. LICENSE No. 35853

Job No. 10457

DRAWN BY: JF