

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

File No. Ord. 23-114
Agenda No. 3.4 (1st Reading)
Agenda No. 4.5 (2nd Reading and Final Passage)



AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FOR PUBLIC ACCESS BETWEEN AVENIR, LP AND THE CITY OF JERSEY CITY AND THE EXECUTION OF A THIRTY-FOOT SETBACK EASEMENT AGREEMENT BETWEEN AVENIR, LP AND THE CITY OF JERSEY CITY AFFECTING BLOCK 9301, LOT 30.01 A/K/A 66 BROADWAY AND F/K/A 1072-1075 WEST SIDE AVENUE.

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

WHEREAS, Avenir, LP ("Developer") is the owner of certain real property identified as Lot 30.01 in Block 9301 a/k/a 66 Broadway and f/k/a 1072-1075 West Side Avenue ("Property") on the Tax Maps of the City of Jersey City; and

WHEREAS, on July 19, 2016, the Planning Board granted preliminary and final site plan approval with variances (P16-025) and subject to certain conditions for a mixed use development project consisting of five (5) buildings on one lot with a total of 486 residential units, approximately 25,000 square feet of retail space, 23,000 square feet of amenity space, 384 parking spaces in a two level parking deck, and outdoor public space; and

WHEREAS, the Developer received development approvals from the Jersey City Zoning Board of Adjustment on June 27, 2019 as memorialized in Resolution Z19-008 adopted on August 15, 2019 changing the project to the construction of one (1) building with 477 residential units, 285 parking spaces, 12,275 square feet of retail space, residential amenities and other site improvements including construction of a public plaza, along with the conversion of the former Puccini's restaurant building to retail space; and

WHEREAS, Resolution Z19-008 contained various conditions including a requirement for the Developer to enter into a Deed of Easement for Public Access for the purpose of memorializing the right of general public access to a portion of the Developer's Property to be used as an Open Space Plaza; and

WHEREAS, the Open Space Plaza is more particularly described in the metes and bounds description attached as Exhibit A of the Deed of Easement for Public Access attached hereto; and

WHEREAS, the Open Space Plaza shall be used for public, passive use/open space in perpetuity unless the Port Authority Trans Hudson Corporation (PATH) establishes a train station near the Property; and

WHEREAS, the location of the Open Space Plaza was formerly the portion of West Side Avenue between Broadway and Fayette Place that was vacated by Ordinance No. 07-135 adopted on August 8, 2007; and

WHEREAS, if PATH establishes a train station, the Open Public Plaza will be dedicated as public right-of-way for access to the PATH train station; and

WHEREAS, the parties desire to execute the Deed of Easement for Public Access for the purpose of memorializing the responsibilities, obligations, and rights of the Developer relative to the Open Space Plaza; and

WHEREAS, Resolution Z19-008 included a condition that the Developer maintain a thirty (30) foot setback from Fayette Place between Giles Avenue and the vacated portion of West Side Avenue which is now part of the Developer's Property; and

APPROVED AS TO LEGAL FORM

A handwritten signature in black ink, appearing to be "J. M. ...", written over a horizontal line.

Business Administrator

A handwritten signature in black ink, appearing to be "P. D. ...", written over a horizontal line.

Corporation Counsel

☐ Certification Required

Ord. 23-114

An Ordinance authorizing the execution of a deed of easement for public access between Avenir, LP and the City of Jersey City and the execution of a thirty-foot setback easement agreement between Avenir, LP and the City of Jersey City affecting Block 9301, Lot 30.01 a/k/a 66 Broadway and f/k/a 1072-1075 West Side Avenue.

WHEREAS, the thirty (30) foot setback is described in the metes and bounds description attached as Exhibit A of the Setback Easement Agreement attached hereto; and

WHEREAS, the purpose of the setback easement is to restrict the use of the setback easement area for public parking, landscaping, and for future use as part of the PATH station adjacent to the Developer's Property; and

WHEREAS, the City is authorized to execute the Deed of Easement for Public Access and the Setback Easement Agreement pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12A-1 et seq.

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

- 1) the above recitals are incorporated herein by reference; and
 - 2) subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the Deed of Easement for Public Access and the Setback Easement Agreement with Avenir, LP and which are attached hereto and affect Block 9301 Lot 30.01 a/k/a 66 Broadway f/k/a 1072-1075 West Side Avenue.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. 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 codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
 - D. 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 repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted.
es of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

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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

Matt Ward, Supervising Planner	547-5010	MWard@jcnj.org
Department	Department of Housing, Economic Development, and Commerce	
Division	Division of Planning	

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 - Nov 08 2023
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Purpose

Authorizes the execution of a public access easement agreement for a public plaza and a thirty-foot setback easement agreement in connection with the development project at 66 Broadway f/k/a 1072-1075 West Side Avenue

Cost (Identify all sources and amounts)

N/A

Contract term (include all)

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ATTACHMENTS:

<u>Easement Public Access</u>
<u>Easement Setback</u>

Approved by

Tanya Marione, Director of Planning
 Annisia Cialone, HEDC Director
 John McKinney, Attorney
 John Metro, Business Administrator

Status:

Approved - Oct 25 2023
 Approved - Oct 26 2023
 Approved - Oct 27 2023
 Approved - Nov 01 2023

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RECORD OF COUNCIL VOTE ON INTRODUCTION – Nov 8 2023						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

MOTION: RIVERA

SECOND: SALEH

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Nov 29 2023						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

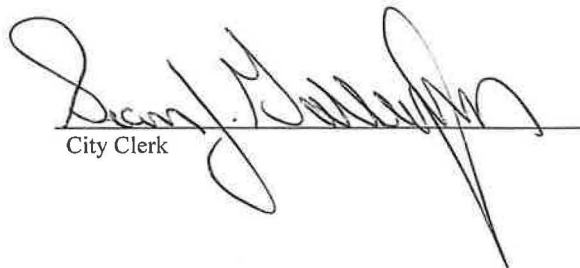
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

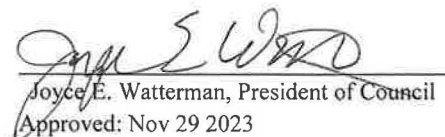
RECORD OF FINAL COUNCIL VOTE – Nov 29 2023						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

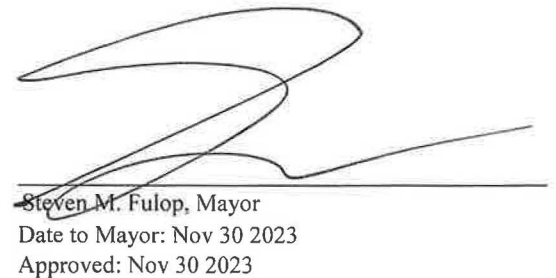
Adopted on first reading of the Council of Jersey City, N.J. on **Nov 8 2023**

Adopted on second and final reading after hearing on **Nov 29 2023**

This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on Nov 29 2023


City Clerk


Joyce E. Watterman, President of Council
Approved: Nov 29 2023


Steven M. Fulop, Mayor
Date to Mayor: Nov 30 2023
Approved: Nov 30 2023