

City Clerk File No. Ord. 12-163

Agenda No. 3.D 1st Reading

Agenda No. 4.D 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-163

**TITLE: AN ORDINANCE VACATING A PORTION OF GROVE SQUARE CONSISTING OF APPROXIMATELY 1,910 SQUARE FEET IN ORDER TO ALIGN THE STREET GRID WITH THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN**

WHEREAS, on March 23, 2005, the Municipal Council of the City of Jersey City finally adopted Ordinance 05-032, vacating a portion of Canal Street and of Grove Street, consisting of approximately 18,968.4618 square feet, and accepting a portion of the vacated area measuring approximately 11,992.9684 square feet, therein designated as "Grove Square", in order to effectuate the street grid contained in the Liberty Harbor North Redevelopment Plan as in effect on that date; and

WHEREAS, the Liberty Harbor North Redevelopment Plan was subsequently amended with respect to the street grid; and

WHEREAS, on May 15, 2012, the Planning Board of the City of Jersey City granted preliminary and final major subdivision approval (the "Subdivision Approval", a copy of which is file with the City Clerk) to Grand LHN III Urban Renewal, LLC "to subdivide four existing lots into five lots, including two lots for the extension of rights of way in connection with the property located at 237 Grand Street, 'Grand Street', 1 Canal Street and the 'Grove Square' right-of-way, also known on the Jersey City Tax Maps as Block 15901, Lots 1, 2, 3, 4 and 'Grove Square' " in order to "create development lots and right-of-way extensions consistent with the Liberty Harbor North Redevelopment Plan"; and

WHEREAS, in order to effectuate the terms of the Liberty Harbor North Redevelopment Plan and the Subdivision Approval, the Jersey City Redevelopment Agency (the "Petitioner") has requested the vacation of a portion of Grove Square measuring approximately 1,910 square feet (the "Vacation Parcel"), as depicted on that certain map prepared by Birdsall Services Group, dated August 9, 2012, and entitled "Vacation of a Portion of Grove Square (Lot 5.10)", (the "Map", a copy of which is attached hereto as Exhibit A), and as described in that certain metes and bounds description prepared by Birdsall Services Group, dated September 19, 2012 and entitled "Description of Right-of-Way Vacation Portion of Grove Square City of Jersey City, Hudson County, New Jersey" (the "Description", a copy of which is attached hereto as Exhibit B); and

WHEREAS, immediately prior to the dedication of the Vacation Parcel to the City, the Petitioner was the owner of the Vacation Parcel; and

WHEREAS, the Vacation Parcel is not necessary for general public use, and the rights of the public will not be injuriously or adversely affected by the requested vacation; and

WHEREAS, the new street pattern has been approved by the City Council in its adoption of the amendments to the Liberty Harbor North Redevelopment Plan, and by the Jersey City Planning Board in its granting of the Subdivision Approval; and

WHEREAS, upon adoption of this Ordinance, and filing of the Ordinance and the Map with the Hudson County Register, title to the Vacation Parcel shall vest in the Petitioner; and

WHEREAS, all publication and notice requirements having been met,

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

AN ORDINANCE VACATING A PORTION OF GROVE SQUARE CONSISTING OF APPROXIMATELY 1,910 SQUARE FEET IN ORDER TO ALIGN THE STREET GRID WITH THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN

**Section 1.** All of the recitals hereto are hereby incorporated herein as if set forth at length.

**Section 2.** All of that part or portion of Grove Square as depicted on the Map attached hereto as Exhibit A as the Vacation Parcel, and described in the Description attached hereto as Exhibit B, measuring approximately 1,910 square feet shall be and is hereby vacated and the public easement and the rights therein shall be and are hereby extinguished.

**Section 3.** All costs and expenses incidental to the introduction, passage, and publication of this Ordinance shall be borne by Petitioner, if and to the extent such costs are not waived by the City because the Petitioner is a municipal agency.

**Section 4.** Petitioner shall file this Ordinance, the Map and the Description with the Hudson County Register within sixty days of the effective date of this Ordinance. Upon filing of this Ordinance, the Map and the Description with the Hudson County Register, title to the Vacation Parcel shall vest in Petitioner.

**Section 5.** This Ordinance shall be subject to the following:

- (a) In the event the utilities, if any, presently located under the Vacation Parcel are not moved to another location, an easement in perpetuity 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", *N.J.S.A. 48:5A-1 et seq.*, for the purpose of ingress and egress over and upon the area subject to this 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 Vacation Parcel.
- (b) No buildings or structures of any kind may be constructed over the water or sewer utilities within this area subject to the easement without the consent of the Chief Engineer of the City of Jersey City unless and until those utilities are relocated and/or abandoned.
- (c) In the event that the utilities, if any, presently lying in the Vacation Parcel are relocated, then the easement otherwise created hereby shall immediately terminate and the same shall be considered abandoned by the respective utility company.

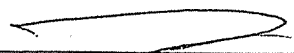
**Section 6.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**Section 7.** 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.

**Section 8.** This Ordinance shall take effect at the time and in the manner provided by law.

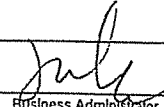
**Section 9.** The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repeal of the existing provisions.

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

  
Business Administrator

Certification Required ☐


Not Required ☐

**ORDINANCE/RESOLUTION FACT SHEET**

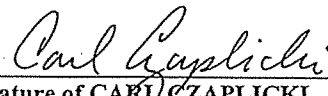
This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. **Full Title of Ordinance/Resolution/Cooperation Agreement:**  
AN ORDINANCE VACATING A PORTION OF GROVE SQUARE CONSISTING OF APPROXIMATELY 1,910 SQUARE FEET IN ORDER TO ALIGN THE STREET GRID WITH THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN
2. **Name and Title of Person Initiating the Ordinance/Resolution, etc.:**  
Robert P. Antonicello, Executive Director, Jersey City Redevelopment Agency, 201-547-4781.
3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:**  
This Ordinance will authorize the vacation of a portion of Grove Square in order to effectuate the terms of the Liberty Harbor North Redevelopment Plan as amended which provide for a new street pattern.
4. **Reasons (Need) for the Proposed Program, Project, etc.:**  
The Jersey City Redevelopment Agency has been charged with the responsibility of carrying out the Liberty Harbor North Redevelopment Plan and the vacation of a portion of Grove Square is necessary to complete the extension and alignment of a street to be constructed as required by the Redevelopment Plan.
5. **Anticipated Benefits to the Community:**  
Construction of a new street for current and future residents and commercial tenants.
6. **Cost of Proposed Program, Project, etc. (Indicate the dollar amount of City, State and Federal Funds to be used, as well as match and in-kind contributions.):**  
N/A
7. **Date Proposed Program or Project will Commence:**  
Upon adoption of this Ordinance
8. **Anticipated Completion Date:**  
Approximately 5 - 7 years for complete build out of surrounding development parcels.
9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**  
Robert P. Antonicello, Executive Director, JCRA
10. **Additional Comments:**

I certify that all the Facts Presented Herein are Accurate.

  
\_\_\_\_\_  
Signature of ROBERT P. ANTONICELLO  
Executive Director  
Jersey City Redevelopment Agency

9-24-12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of CARL CZAPLICKI  
Director, Department of Housing, Economic  
Development and Commerce

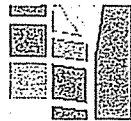
9/26/12  
\_\_\_\_\_  
Date

COMMISSIONERS

HON. MICHAEL J. SOTTOLANO  
Chairman

PIYUSH M. AMIN  
Vice Chairman

EVELYN FARMER  
HON. ROLANDO R. LAVARRO, JR.  
TIMOTHY N. MANSOUR  
JOHN SPINELLO  
RUSSELL J. VERDUCCI



JERSEY CITY  
REDEVELOPMENT AGENCY

EXECUTIVE

ROBERT P. ANTONICELLO  
Executive Director

JOHN J. CURLEY, ESQ.  
General Counsel

HON. JERRAMIAH T. HEALY  
Mayor

September 26, 2012

Via Hand Delivery:

Robert Byrne, RMC  
City Clerk  
City of Jersey City  
280 Grove Street  
Jersey City, New Jersey 07302

Re: Proposed Vacation of a Portion of Grove Square

Dear Mr. Byrne:

On September 18, 2012, the Agency's Board of Commissioners adopted a resolution setting forth the Agency's desire to seek the vacation of a portion of Grove Square measuring approximately 1,910 square feet, in order that the street grid in that area will become consistent with that contained in the Liberty Harbor North Redevelopment Plan, as currently enacted, and the terms of that certain subdivision approval granted to Grand LHN III Urban Renewal, LLC by the Planning Board of the City of Jersey City on May 15, 2012.

In furtherance of the foregoing, enclosed please find a petition for vacation of a portion of Grove Square, as well as a proposed form of vacation ordinance for the City's consideration. In accordance with the City's requirements, enclosed please also find twenty-nine copies of a map depicting the proposed vacation parcel, and well as a legal description of the same, both prepared by Birdsall Engineering Services. It is our understanding that the customary application fee is not required as the petitioner is a municipal agency.

Thank you for your attention to this matter. Please do not hesitate to contact me if there are any questions or if you require any further information.

Sincerely,

ROBERT P. ANTONICELLO  
Executive Director

Encl.

cc: William Matsikoudis, Esq. Corporation Counsel  
Rosemary McFadden, Deputy Mayor  
Commissioner James Simpson, Department of Transportation

## PETITION

### TO THE MUNICIPAL COUNCIL OF JERSEY CITY, NEW JERSEY

Your petitioner, Jersey City Redevelopment Agency (the "**Petitioner**"), having an address of 30 Montgomery Street, Room 900, Jersey City, New Jersey 07302, respectfully shows:

**WHEREAS**, on March 23, 2005, the Municipal Council of the City of Jersey City finally adopted Ordinance 05-032 (the "**2005 Ordinance**", a copy of which is attached as Exhibit A hereto), vacating a portion of Canal Street and of Grove Street, consisting of approximately 18,968.4618 square feet, and accepting a portion of the vacated area measuring approximately 11,992.9684 square feet, therein designated as "Grove Square", in order to effectuate the street grid contained in the Liberty Harbor North Redevelopment Plan as in effect on that date; and

**WHEREAS**, the Liberty Harbor North Redevelopment Plan was subsequently amended with respect to the street grid; and

**WHEREAS**, on May 15, 2012, the Planning Board of the City of Jersey City granted preliminary and final major subdivision approval (the "**Subdivision Approval**", a copy of which is attached hereto as Exhibit B) to the Company "to subdivide four existing lots into five lots, including two lots for the extension of rights of way in connection with the property located at 237 Grand Street, 'Grand Street', 1 Canal Street and the 'Grove Square' right-of-way, also known on the Jersey City Tax Maps as Block 15901, Lots 1, 2, 3, 4 and 'Grove Square' " in order to "create development lots and right-of-way extensions consistent with the Liberty Harbor North Redevelopment Plan"; and

**WHEREAS**, in order to effectuate the terms of the Liberty Harbor North Redevelopment Plan and the Subdivision Approval, the Petitioner seeks the vacation of a portion of Grove Square measuring approximately 1,910 square feet (the "**Vacation Parcel**"), as depicted on that certain map prepared by Birdsall Services Group, dated August 9, 2012, and entitled "Vacation of a Portion of Grove Square (Lot 5.10)" (the "**Map**", a copy of which is attached hereto as Exhibit C), and as described in that certain metes and bounds description prepared by Birdsall Services Group, dated September 19, 2012 and entitled "Description of Right-of-Way Vacation Portion of Grove Square City of Jersey City, Hudson County, New Jersey" (the "**Description**", a copy of which is attached hereto as Exhibit D); and

**WHEREAS**, immediately prior to the dedication of the Vacation Parcel to the City, the Petitioner was the owner of the Vacation Parcel; and

**WHEREAS**, the Vacation Parcel is not necessary for general public use, and the rights of the public will not be injuriously or adversely affected by the requested vacation; and

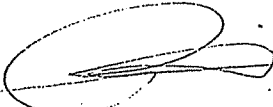
**WHEREAS**, the new street pattern has been approved by the City Council in its adoption of the amendments to the Liberty Harbor North Redevelopment Plan, and by the Jersey City Planning Board in its granting of the Subdivision Approval,

NOW THEREFORE, your Petitioner respectfully requests that the Municipal Council of the City of Jersey City ordain the vacation of the Vacation Parcel for the reasons set forth herein.

WITNESS

JERSEY CITY REDEVELOPMENT AGENCY

Mary Pat Noonan



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

ORDINANCE NO. Ord. 12-163  
 3.D. DEC 19 2012 4.D. JAN 09 2013  
 TITLE:



An ordinance vacating a portion of Grove Square consisting of approximately 1,910 square feet in order to align the street grid with the Liberty Harbor North Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">DEC 19 2012 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COEEMAN	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">JAN 09 2013 9-0</span>											
Councilperson <u>GAUGHAN</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">JAN 09 2013 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 19 2012  
 Adopted on second and final reading after hearing on JAN 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 09 2013

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Peter M. Brennan, Council President

Date: JAN 09 2013  
 APPROVED:

Jeremiah T. Healy, Mayor

Date: JAN 11 2013

Date to Mayor JAN 10 2013