

City Clerk File No. Ord. 14.179

Agenda No. 3.N 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 14.179

TITLE:

**ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT AND DEED OF EASEMENT WITH JOURNAL SQUARE I URBAN RENEWAL, LLC AND JOURNAL SQUARED ("J<sup>2</sup>") CONDOMINIUM ASSOCIATION, INC. AFFECTING A PORTION OF MAGNOLIA AVENUE**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

WHEREAS, Magnolia Avenue is public right-of-way in the City of Jersey City ("City"); and

WHEREAS, Journal Square I Urban Renewal LLC ("Developer") obtained preliminary and final major site plan approval from the City's Planning Board for the construction of mixed used project ("Project") on real property known as Block 9501, Lot 2.01 on the Tax Map ("Property"); and

WHEREAS, the Property is adjacent to westerly end of Magnolia Avenue; and

WHEREAS, as a condition of the site plan approval for the Project, the Developer is obligated to make certain improvements to the portion of Magnolia Avenue that is west of Summit Avenue ("Plaza"); and

WHEREAS, the Project as constructed will be operated under a regime of condominium ownership; and

WHEREAS, the condominium association is Journal Squared ("J<sup>2</sup>") Condominium Association, Inc. ("Condominium Association"); and

WHEREAS, as a condition of the site plan approval, the Developer and the Condominium Association are required to enter into an agreement with the City which requires that they, and any future owners of the Project, supplement the maintenance services program performed by the City and other governmental agencies within the Plaza; and

WHEREAS, the Condominium Association will perform the maintenance services described in the Developer's Agreement and Deed of Easement attached hereto; and

WHEREAS, the City agrees to grant the Developer and the Condominium Association an easement for the purpose constructing and maintaining the Plaza improvements; and

WHEREAS, the City, the Developer, and the Condominium Association are authorized to execute the Developer's Agreement and Deed of Easement pursuant N.J.S.A. 40A:12-5, N.J.S.A. 40:67-1, and N.J.S.A. 40A:12A-1 et seq.

**ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT AND DEED OF EASEMENT WITH JOURNAL SQUARE I URBAN RENEWAL, LLC AND JOURNAL SQUARED ("J2") CONDOMINIUM ASSOCIATION, INC. AFFECTING A PORTION OF MAGNOLIA AVENUE**

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;
- 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 Developer's Agreement and Deed of Easement attached hereto affecting the Plaza; and
- 3) the purpose of the easement granted to the Developer and Condominium Association is to create a non-exclusive easement affecting the Plaza for the purpose of constructing and maintaining the Plaza improvements.

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

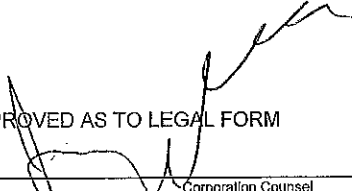
B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.


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.  
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

RR  
12-9-14

APPROVED AS TO LEGAL FORM  
  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
APPROVED:   
Business Administrator

Certification Required   
Not Required

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

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

**Full Title of Ordinance/Resolution**

**ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT AND DEED OF EASEMENT WITH JOURNAL SQUARE I URBAN RENEWAL, LLC AND JOURNAL SQUARED ("J2") CONDOMINIUM ASSOCIATION, INC. AFFECTING A PORTION OF MAGNOLIA AVENUE**

**Initiator**

Department/Division	HEDC/Law	Planning/Law
Name/Title	Jeffery Wenger/Raymond Reddington	Principal Planner/Asst. Corp. Counsel
Phone/email	547-5453/547-5063	JWenger@jcnj.org/RaymondR@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

Magnolia Avenue is public right-of-way in the City. Journal Square I Urban Renewal LLC ("Developer") obtained preliminary and final major site plan approval from the City's Planning Board for the construction of mixed used project ("Project") on real property located adjacent to the westerly end of Magnolia Ave. As a condition of the site plan approval for the Project, the Developer is obligated to make certain improvements to the portion of Magnolia Avenue that is west of Summit Avenue ("Plaza"). The Project as constructed will be operated under a regime of condominium ownership. As a condition of the site plan approval, the Developer and the Condominium Association are required to enter into the Developer's Agreement and Deed of Easement with the City which requires that they, and any future owners of the Project, supplement the maintenance services program performed by the City and other governmental agencies within the Plaza.

**I certify that all the facts presented herein are accurate.**

\_\_\_\_\_  
**Signature of Department Director**

\_\_\_\_\_  
**Date**

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



ORDINANCE NO. Ord. 14.179  
 TITLE: 3.N DEC 17 2014 4.N. JAN 14 2015

Ordinance authorizing the execution of a developer's agreement and deed of easement with Journal Square I Urban Renewal, LLC., and Journal Squared ("J") Condominium Association, Inc., affecting a portion of Magnolia Avenue.

RECORD OF COUNCIL VOTE ON INTRODUCTION												
										DEC 17 2014		9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING												
										JAN 14 2015		9-0
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.												
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE												
										JAN 14 2015		9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

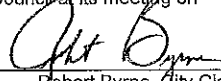
✓ Indicates Vote

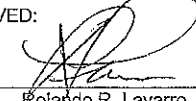
N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 17 2014

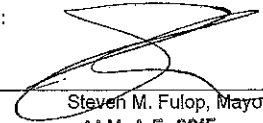
Adopted on second and final reading after hearing on JAN 14 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 14 2015

  
 Robert Byrne, City Clerk

APPROVED:   
 Rolando R. Lavarro, Jr., Council President  
 Date JAN 14 2015

\*Amendment(s):

APPROVED:   
 Steven M. Fulop, Mayor  
 Date JAN 15 2015

Date to Mayor JAN 15 2015