

City Clerk File No. Ord. 15.015

Agenda No. 3.D 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 15.015

**TITLE:** An ordinance granting permission to WILLOW AVENUE REALTY ASSOCIATES, L.P., its successors and assigns, to improve and use that approximately five (5) foot by ten (10) foot portion of the public right-of-way between the sixty (60) foot right-of-way adjacent to Morgan Street and Lot 9, Block 13002, on the official tax assessment map of the City of Jersey City for the construction of a six (6) step stoop, entrance stairway which encroaches five (5) feet onto the public right-of-way along Morgan Street.

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

WHEREAS, WILLOW AVENUE REALTY ASSOCIATES L.P. (the "Petitioners") have filed a Petition with the Municipal Council of the City of Jersey City, requesting a franchise within the Morgan Street right-of-way as more particular described on the written description and sketch prepared by Caulfield Associates LLP and dated September 17, 2014 attached hereto and made a part hereof as Exhibit "A" and accompanying Metes and Bounds Descriptions prepared by Caulfield Associates LLP attached hereto and made a part hereof as Exhibit "B", said Petition and Survey being on file with the office of the City Clerk; and

WHEREAS, the Petitioners are the owners of Lot 9 in Block 13002 (the "Property"); and

WHEREAS, currently the proposed franchise area is a public sidewalk; and

WHEREAS, the Petitioners propose to construct a new three (3) story building, single family home with two (2) onsite parking spaces (the "Project") which is as of right and requires no site plan approvals or variances from the Jersey City Municipal Ordinance; and

WHEREAS, the franchise area would allow for the construction of a six (6) step stoop, entrance stairway which will be 5' in length x 9.4' in width; and

WHEREAS, the area in question is located between the sixty (60) foot right-of-way adjacent to Morgan Street and Lot 9, Block 13002 on a currently existing fifteen (15) foot public sidewalk. In order to construct the construction the six (6) step stoop, entrance stairway, the Petitioners request permission to use the approximately five (5) foot by ten (10) foot portion of existing fifteen (15) foot public sidewalk along Morgan Street and adjacent to Lot 9 Block 13002; and

WHEREAS, Petitioners, their successors and assigns, have made application to the Municipal Council of the City of Jersey City by written Petition for the franchise herein referred to:

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

**SECTION 1:** Permission is hereby granted to Petitioners, their heirs and successors, to construct a six (6) step stoop, entrance stairway which will be 5' in length by 9.33' in width in the existing fifteen (15) foot public sidewalk as more particularly delineated in Exhibit A along Second Street adjacent to Lot 9 Block 13002.

**SECTION 2:** This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. 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 Petitioner one year prior to the date of cancellation.

**SECTION 3:** 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 Petitioners have the right to assign or otherwise transfer their rights under this Franchise Ordinance.

**SECTION 4:** In accepting the privileges under this ordinance and in the maintenance and the use herein authorized, Petitioners, their successors and/or assigns shall agree to assume full, complete, and undivided responsibility for any and all injury and damages to persons or property by reason of such maintenance and use and to indemnify and hold the City of Jersey City harmless from any injury or damage to persons or property by reason of such 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.

a) Petitioners, their successors and/or assigns, shall maintain in effect, during the term of this franchise, a General Liability Insurance Policy naming the City of Jersey, its officers and employees as additional insured, covering the use and occupancy of the franchise portion of Morgan Street. A Certificate of Insurance, in the amount of \$2,000,000.00, or in such amount and type as the City's Risk Manager may reasonably require from time to time during the term of this franchise, and in a form deemed acceptable by the City's Risk Manager, shall be delivered to the City's Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance commences.

**SECTION 5:** After construction, there shall remain no damage to the area or interference with the free and safe flow of pedestrians. The Petitioners shall maintain all improvements installed by them for the entire term of the franchise at no cost to the City of Jersey City.

**SECTION 6:** The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by the Petitioners.

**SECTION 7:** The Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioners with the City Clerk.

**SECTION 8:** In the event that the Petitioners shall not file with the City Clerk, their acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

**SECTION 9:** For the Franchise herein granted, the Petitioners shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office in City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

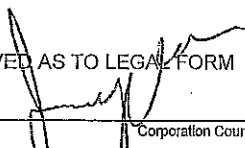
**SECTION 10:** This Franchise Ordinance shall be subject to the following conditions:

- a) An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the benefit of the City of Jersey City and all public utility companies for the purpose operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's, or public utility companies', use or operation of water, sewer or utility lines.
- b) No building or structure of any kind may be construed over the water or sewer utilities within the area subject to this franchise without the consent of the Chief Engineer of the City of Jersey City.

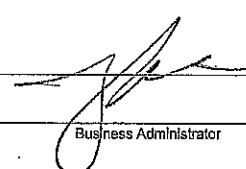
- c) The Petitioners shall construct a six (6) step stoop, entrance stairway which will be 5' in length x 9.33' in width in the existing fifteen (15) foot public sidewalk as more particularly delineated in Exhibit A along Second Street adjacent to Lot 9 Block 13002.
- A. All Ordinances and parts of Ordinance 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 same time and in the manners 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 the existing provisions.

**NOTE:** All new material is underlined. Words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

  
 \_\_\_\_\_  
 Corporation Counsel

APPROVED:

  
 \_\_\_\_\_  
 Business Administrator

Certification Required   
 Not Required

P.L. CAULFIELD, JR.  
N.J. LIC. NO. 16757

# CAULFIELD ASSOCIATES, LLP.

TELEPHONE (201) 792-0446  
FAX (201) 792-7714

JOSEPH T. CAULFIELD  
N.J. LIC. NO. 37579

PROFESSIONAL LAND SURVEYOR  
132 MADISON STREET  
HOBOKEN, N.J. 07030

JOB NO. ....

## FRANCHISE EASEMENT FRONTING PROPERTY AT 133.5 MORGAN STREET

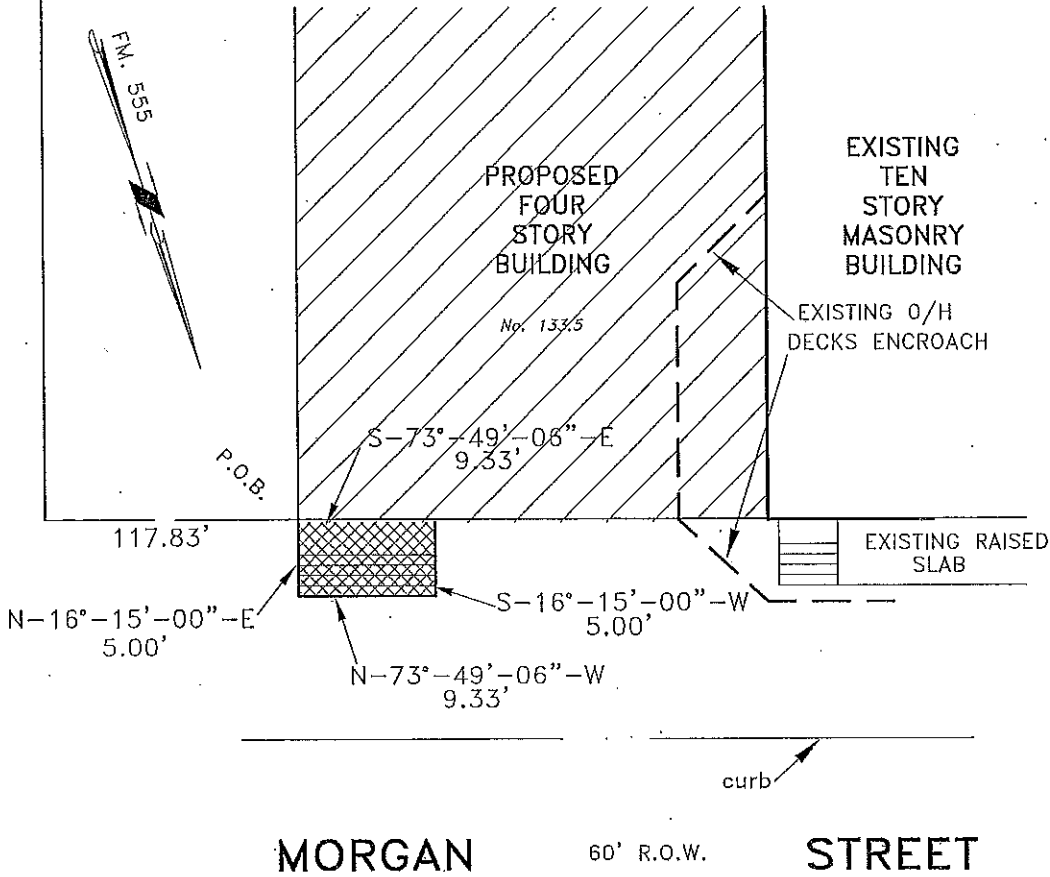
BEGINNING AT A POINT IN THE SOUTHERLY LINE OF MORGAN STREET, A DISTANCE OF 117.83 FEET WESTERLY FROM ITS INTERSECTION WITH THE WESTERLY LINE OF WARREN STREET, RUNNING THENCE:

STREET

1. N-16°-15'-00"-E AND ONTO THE R.O.W. OF MORGAN STREET, A DISTANCE OF 5.00 FEET TO A POINT, THENCE
2. N-73°-49'-06"-W AND CONTINUING ALONG THE R.O.W. OF MORGAN STREET, A DISTANCE OF 9.33 FEET TO A POINT, THENCE
3. S-16°-15'-00"-W A DISTANCE OF 5.00 FEET TO A POINT IN THE WESTERLY LINE OF GARDEN STREET, THENCE
4. S-73°-49'-06"-E ALONG THE WESTERLY LINE OF MORGAN STREET, A DISTANCE OF 9.33 FEET TO A POINT, SAID POINT OR PLACE OF BEGINNING

KNOWN AS FRONTING LOT 9 IN BLOCK 13002 (FORMERLY KNOWN AS BLOCK 139, LOT 24) ALONG MORGAN STREET, COMMONLY KNOWN AS 133.5 MORGAN STREET, JERSEY CITY, NJ. EASEMENT INCLUDES STAIRS ALONG MORGAN STREET, SAID FRANCHISE ORDINANCE AREA IS 46.6 SQ. FT.

WARREN



MORGAN STREET 60' R.O.W.

## PROPOSED SKETCH FRONTING PROPERTY

LOCATED AT 133.5 MORGAN STREET  
JERSEY CITY, HUDSON CO., N.J.

BLOCK 13002  
LOT 9  
DATE SEPTEMBER 17, 2014  
SCALE 1 INCH = 10 FEET

A written "Waiver and Direction Not to Set Corner Markers," has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d).

THIS SURVEY IS NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION. IT IS SUBJECT TO THE FACTS REVEALED BY AN ACCURATE AND COMPLETE TITLE SEARCH. THE CERTIFICATION IS MADE ONLY TO THE PARTIES NAMED HEREON, AND IS NONTRANSFERABLE. BEARINGS ARE RELATIVE.

*P.L. Caulfield, Jr.*  
P.L. CAULFIELD, JR.  
PROF. LAND SURVEYOR  
N.J. LIC. NO. 16757

## PETITION

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

Your petitioner, Willow Avenue Realty Associates, L.P. (the "Petitioner"), being the owner of 133.5 Morgan Street, Jersey City, New Jersey, their successors and assigns, having offices at 47 Mill Road, Jersey City, New Jersey, 07302:

1. The Petitioner owns the real property in the City of Jersey City as follows:

Block: 13002, Lot: 9

Known as 133.5 Morgan Street, Jersey City, New Jersey (the "Property").

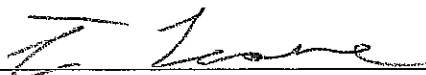
2. A new three (3) story building, single family home with two (2) onsite parking spaces (the "Project") is currently being developed on the Property.

3. The Project is as of right and requires no site plan approvals or variances from the Jersey City Municipal Ordinance.

4. In connection with the development of the Project, the Petitioner proposes to construct a six (6) step stoop, entrance stairway which will be 5' in length x 9.33' in width in an existing fifteen (15) foot public sidewalk (the "Improvement"). The Improvement will be located within the Morgan Street right-of-way and is located as more particularly described in the survey prepared by Caulfield Associates LLP and dated September 17, 2014 attached hereto and made a part hereof as Exhibit "A" and accompanying Metes and Bounds Descriptions prepared by Caulfield Associates LLP attached hereto and made a part hereof as Exhibit "B", (the "Franchise Area"). Petitioner requests permission to use the Franchise Area to construct and maintain the Improvement.

**WHEREFORE**, Petitioners respectfully request for themselves, their successors and assigns, permission to use the Franchise Area within the Second Street right-of-way as more particularly described on the survey prepared by Caulfield Associates LLP and dated September 17, 2014 attached hereto and made a part hereof as Exhibit A.

Willow Avenue Realty Associates, L.P.

  
By: Tom Leane, Esq.  
Title: Authorized Signatory  
Date: October 20, 2014

# EXHIBIT A

# EXHIBIT B



# CAULFIELD ASSOCIATES, LLP.

PROFESSIONAL LAND SURVEYORS

132 MADISON STREET  
HOBOKEN, NEW JERSEY 07030

Telephone: (201) 792-0445

FAX: (201) 792-7714

[www.surveyornj.com](http://www.surveyornj.com)

## **FRANCHISE EASEMENT FRONTING PROPERTY AT 133.5 MORGAN STREET, JERSEY CITY, NEW JERSEY.**

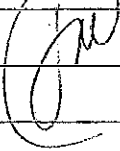
Beginning at a point in the southerly line of Morgan Street, a distance of 117.83 feet westerly from its intersection with the westerly line of Warren Street, and running, thence

1. N-16°-15'-00"-E, and onto the R.O.W. of Morgan Street, a distance of 5.00 feet to a point, thence
2. N-73°-49'-06"-W, and continuing along the R.O.W. of Morgan Street, a distance of 9.33 feet to a point, thence
3. S-16°-15'-00"-W, a distance of 5.00 feet to a point in the westerly line of Morgan Street, thence
4. S-73°-49'-06"-E, along the westerly line of Morgan Street, a distance of 9.33 feet to a point, said point or place of beginning

Known as fronting Lot 9, Block 13002 (formerly known as Block 139, Lot24) along Morgan Street, commonly known as 133.5 Morgan Street, Jersey City, New Jersey. Easement includes stairs along Morgan Street, said Franchise Ordinance area is 46.6 Sq. Ft.



# City Council Replacement Cover Sheet

Submitted By	Joanne Monahan 
Department	Law
Date Submitted	2/10/15
Pls. note Revisions and Page Number	Page 2 - Section 4: a) -
	"or in such type as the City's Risk Manager ...
	... during the term of this franchise", ....

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



ORDINANCE NO. Ord. 15.015  
 TITLE: 3.D FEB 10 2015 4.F FEB 25 2015

An ordinance granting permission to Willow Avenue Realty Associates, L.P., its successors and assigns, to improve and use that approximately five (5) foot by ten (10) foot portion of the public right-of-way between the sixty (60) foot right-of-way adjacent to Morgan Street and Lot 9, Block 13002, on the official tax assessment map of the City of Jersey City for the construction of a six (6) step stoop, entrance stairway which encroaches five (5) feet onto the public right-of-way along Morgan Street. (Franchise Ordinance)

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				FEB 10 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.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				FEB 25 2015				8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

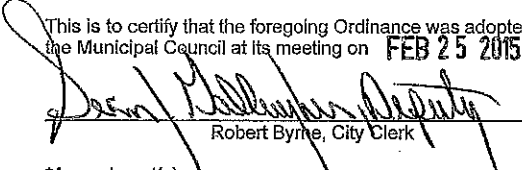
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
				FEB 25 2015							
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 FEB 10 2015  
 Adopted on second and final reading after hearing on FEB 25 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 25 2015  
  
 Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:   
 Rolando R. Lavarro, Jr., Council President

Date FEB 25 2015

APPROVED:   
 Steven M. Fulop, Mayor

Date FEB 27 2015

Date to Mayor FEB 26 2015