

City Clerk File No. Ord. 15.093  
Agenda No. 3.F 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 15.093

**TITLE:** AN ORDINANCE GRANTING PERMISSION TO CHRISTOPHER COLUMBUS DRIVE, LLC, SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE CHRISTOPHER COLUMBUS DRIVE PUBLIC RIGHT OF WAY ADJACENT TO THE PROPERTY LOCATED AT 190 CHRISTOPHER COLUMBUS DRIVE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 12703, LOT 4.

**WHEREAS**, Christopher Columbus Drive, LLC, successor in interest to Kengru Capital, LLC, having offices located at 493 Jersey Avenue, Jersey City, New Jersey 07302 (hereinafter the "Petitioner") is the owner of the property located at 190 Christopher Columbus Drive, Jersey City, New Jersey and known as Block 12703, Lot 4 (formerly known as Block 310, Lot 11.A) on the current tax maps of the City of Jersey City ("Property"); and

**WHEREAS**, pursuant to a Resolution for the Preliminary and Final Site Plan Approval in connection with the Property, Case #Z10-024, the Zoning Board of Adjustment granted approval to convert the existing five (5) story building to a mixed use building that includes up to fifteen (15) work/live units and two (2) ground floor commercial units in connection with the Property (copy of said Resolution is attached hereto as Exhibit C); and

**WHEREAS**, the work/live and mixed use building is a use that is consistent with other uses within the neighborhood; and

**WHEREAS**, part of the development approval granted in Case #Z10-024 includes the construction of a front entry platform and stairs (the "Stairs") within a portion of the Christopher Columbus Drive public right-of-way, which is more particularly depicted and described in the Franchise Plans, Exhibits A and B, attached hereto; and

**WHEREAS**, the construction of the Stairs are necessary to comply with the handicap code requirements and will be elevated above the sidewalk grade in order to access the retail portion of the Property and is consistent with the historical character of the property; and

**WHEREAS**, the Petitioner is required to file the Petition for a Franchise Ordinance to place these improvements; and

**WHEREAS**, there will remain sufficient area in the right-of-way for pedestrian use (at least five (5) unobstructed feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

**WHEREAS**, Petitioner 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 and essential for the completion of the construction of the development; and

**WHEREAS**, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Petitioner to grant permission to construct entry Stairs within the public right-of-way under the condition that all costs associated with the improvements would be incurred by the Petitioner, and further that there were no objections to such private improvements; and

**WHEREAS**, the Jersey City Zoning Officer and Building Department can approve the construction of the 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 completion of 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 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 Petitioner, its successors and assigns, to complete private improvements to a portion of lands located within the public right-of-way adjacent to 190 Christopher Columbus Drive, Jersey City, New Jersey, and known as Block 12703, Lot 4 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows on the franchise plan, and metes and bounds description attached hereto as Exhibit A and Exhibit B, respectively.

1. The contemplated improvements will include the construction of front entry platform and stairs to be located within the public right-of-way.

2. There will remain sufficient area in the right-of-way (at least five [5] unobstructed feet) for typical pedestrian use.
3. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Planning Board, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals and are necessary to comply with handicap code requirements, and will greatly benefit the Petitioner's property and the surrounding neighborhood.

**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 vehicular traffic. Petitioner and its successors and 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 Petitioner 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 Petitioner.

**SECTION V.** In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Petitioner, its successors and 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. Petitioner, 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's Risk Manager may reasonably require from time to time, and in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

**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 thirty (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 approved shall not 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 June next succeeding the time when this Ordinance shall become effective and on each first day of June thereafter until the termination of this Ordinance.

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

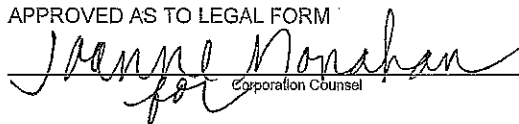
B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.

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

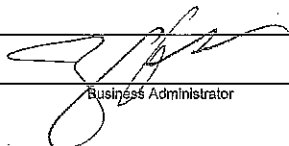
are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing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

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Joanne Nonahan  
Corporation Counsel

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

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

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

Certification Required ☐Not Required ☒

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



ORDINANCE NO. Ord. 15.093

TITLE: 3.F JUN 24 2015 4.F JUL 15 2015

An ordinance granting permission to Christopher Columbus Drive, LLC, successors and assigns, to make private improvements in the Christopher Columbus Drive public right of way adjacent to the property located at 190 Christopher Columbus Drive, Jersey City, New Jersey, also known on the tax maps of the City of Jersey City as Block 12703, Lot 4.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">JUN 24 2015 9-0</span>											
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 <span style="float: right;">JUL 15 2015</span>											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H. <u>9-0</u>											
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 <span style="float: right;">JUL 15 2015 9-0</span>											
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 JUN 24 2015  
 Adopted on second and final reading after hearing on JUL 15 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 15 2015

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUL 15 2015

APPROVED:

Steven M. Fulop, Mayor

Date JUL 20 2015

Date to Mayor JUL 15 2015