

City Clerk File No. Ord. 16.047

Agenda No. 3.C 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.047

TITLE:

*ORDINANCE BY THE MUNICIPAL COUNCIL OF  
THE CITY OF JERSEY CITY VACATING A PORTION  
OF MARCY AVENUE, JERSEY CITY, NEW JERSEY*

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

WHEREAS, the City of Jersey City (the "City") does possess rights-of-way through all public streets, thoroughfares and sidewalks located within the City; and

WHEREAS, the City is authorized pursuant to N.J.S.A. 40:67-1 *et seq.* and N.J.S.A. 40A:12-5 to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the City; and

WHEREAS, The County of Hudson, a body corporate and politic of the State of New Jersey, ("Petitioner") has filed a petition with the Municipal Council of the City of Jersey City requesting the vacation of a portion of Marcy Avenue, which parcel is more particularly described by the metes and bound Description of Property to be Vacated [Exhibit A], and depicted on the Right of Way Vacation Plan of Marcy Avenue [Exhibit B] both attached to this Ordinance; and

WHEREAS, Marcy Avenue is located within the City of Jersey City, County of Hudson, State of New Jersey; and

WHEREAS, there is no municipal or public need for the portion of Marcy Avenue and the Petitioner now desires this portion of Marcy Avenue to be vacated; and

WHEREAS, the area being Vacated is no longer necessary for the general public use, and the rights of the public will not be injuriously or adversely affected by the requested vacation, and such vacation advances the public safety and welfare; and

WHEREAS, the City is authorized to vacate that portion of Marcy Avenue as set forth in Exhibits A and B; and

WHEREAS, the Petitioner owns the property located on the adjacent lots immediately east and west of the desired portion of Marcy Avenue to be vacated, more specifically identified as Lincoln Park and referred to as Block 16003, Lots 2 & 3 on the official tax Map of the City of Jersey City (the "Property"); and

WHEREAS, the desired portion of Marcy Avenue to be vacated is a "paper dedicated street" and not an active public right-of-way; and

WHEREAS, the Municipal Engineer and Municipal Traffic Engineer have reviewed and approved the proposed vacation of this portion of Marcy Avenue; and

WHEREAS, said Petition has been duly advertised and proof of the giving of due notice of the Petition requesting enactment of this ordinance as required by law has been filed with the City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto:

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

Section I: All parts or portions of Marcy Avenue adjacent to Block 16003, Lots 2 & 3, and as hereinafter more particularly described and as are shown and delineated on Exhibits A and B which are annexed to this Ordinance, be and the same are hereby vacated and included into Block 16003, Lots 2 & 3, and the public easement and rights therein be and the same are hereby extinguished, which parts of the aforesaid street are more particularly described in the metes and bounds descriptions contained in Exhibit A to this Ordinance, which is incorporated herein by reference.

Section II: All costs and expenses related to the introduction, passage and publication of this ordinance, including the preparation and mailing of any and all notices related to this ordinance upon property owners within 200 feet of the area to be vacated, shall be borne and paid by the Petitioner.

Section III: The Petitioner shall file this Ordinance and the Maps with the Register of the County of Hudson within sixty (60) days after the Ordinance becomes effective.

Section IV: This Ordinance shall be subject to the following:

- 1) In the event the utilities, if any, presently located under the roadways being vacated hereunder, are not moved to another location or abandoned in place, an easement in perpetuity is reserved for the benefit of the City of Jersey City, Jersey City Municipal Utilities Authority 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 vacation 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 vacation ordinance.
- 2) No buildings or structures of any kind may be constructed over the water or sewer utilities, if any, within this area subject to the easement without the consent of the Chief Engineer of the City of Jersey City and/or the Jersey City Municipal Utilities Authority unless and until those utilities are relocated and/or abandoned.
- 3) In the event that utilities, if any, presently lying in the portion of Marcy Avenue being vacated hereby are relocated, then the easement otherwise created under Section IV(1), shall immediately terminate and the same shall be considered as abandoned by the respective utility company.

Section V: All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section VI: 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 VII: This Ordinance shall take effect at the time and in the manners provided by law.

Section VIII: 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.

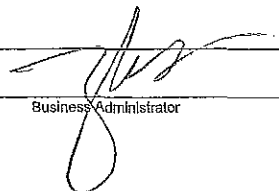
APPROVED AS TO LEGAL FORM

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

Certification Required ☐  
Not Required ☐

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

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

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

# PETITION

TO: The Mayor and Council of the City of Jersey City, New Jersey

Your Petitioner, The County of Hudson, a body corporate and politic of the State of New Jersey, ("Petitioner"), having an address c/o Hudson County Engineer's Office, 830 Bergen Avenue, Jersey City, New Jersey 07306, respectfully herein petitions the City of Jersey City:

WHEREAS, the Petitioner desires to vacate a portion of Marcy Avenue, which parcel is more particularly described by Description of Property to be Vacated [Exhibit A], and depicted on the Right of Way Vacation Plan of Marcy Avenue [Exhibit B], both prepared by Edward S. Dec, P.E., P.L.S., of Guarrielo & Dec Associates, LLC, and attached hereto; and

WHEREAS, Marcy Avenue is located within the City of Jersey City, County of Hudson, and State of New Jersey; and

WHEREAS, the desired portion of Marcy Avenue to be vacated is located at the north-eastern terminus of that street and Lincoln Park; and

WHEREAS, the Petitioner owns the property located on the lots adjacent to the desired portion of Marcy Avenue to be vacated, more commonly known as a portion of Lincoln Park and more specifically referred to as Block 16003, Lots 2 & 3 on the official Tax Map of the City of Jersey City (the "Property"), a copy of the applicable Tax Map sheet is attached as Exhibit C; and

WHEREAS, the Petitioner currently operates a park maintenance compound on the property, which Petitioner is planning to modernize and expand, including construction of new storage facilities, areas for maintenance equipment, as well as removal of obsolete structures to promote better site circulation; and

WHEREAS, the desired portion of Marcy Avenue to be vacated is a "paper dedicated street" and not an active public right-of-way servicing any other party; and


WHEREAS, the vacation of this portion of Marcy Avenue will not create any land-locked parcels inasmuch this portion of Marcy Avenue is surrounded by property owned by Petitioner and is not an active public right-of-way; and

WHEREAS, this portion of Marcy Avenue is no longer 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 vacation of this portion of Marcy Avenue and the expansion and modernization of the park maintenance compound will allow Petitioner to provide enhanced services to Lincoln Park, and therefore, to the residents of the City of Jersey City, the County of Hudson and the general public; such that the proposed vacation will promote the general public interest.

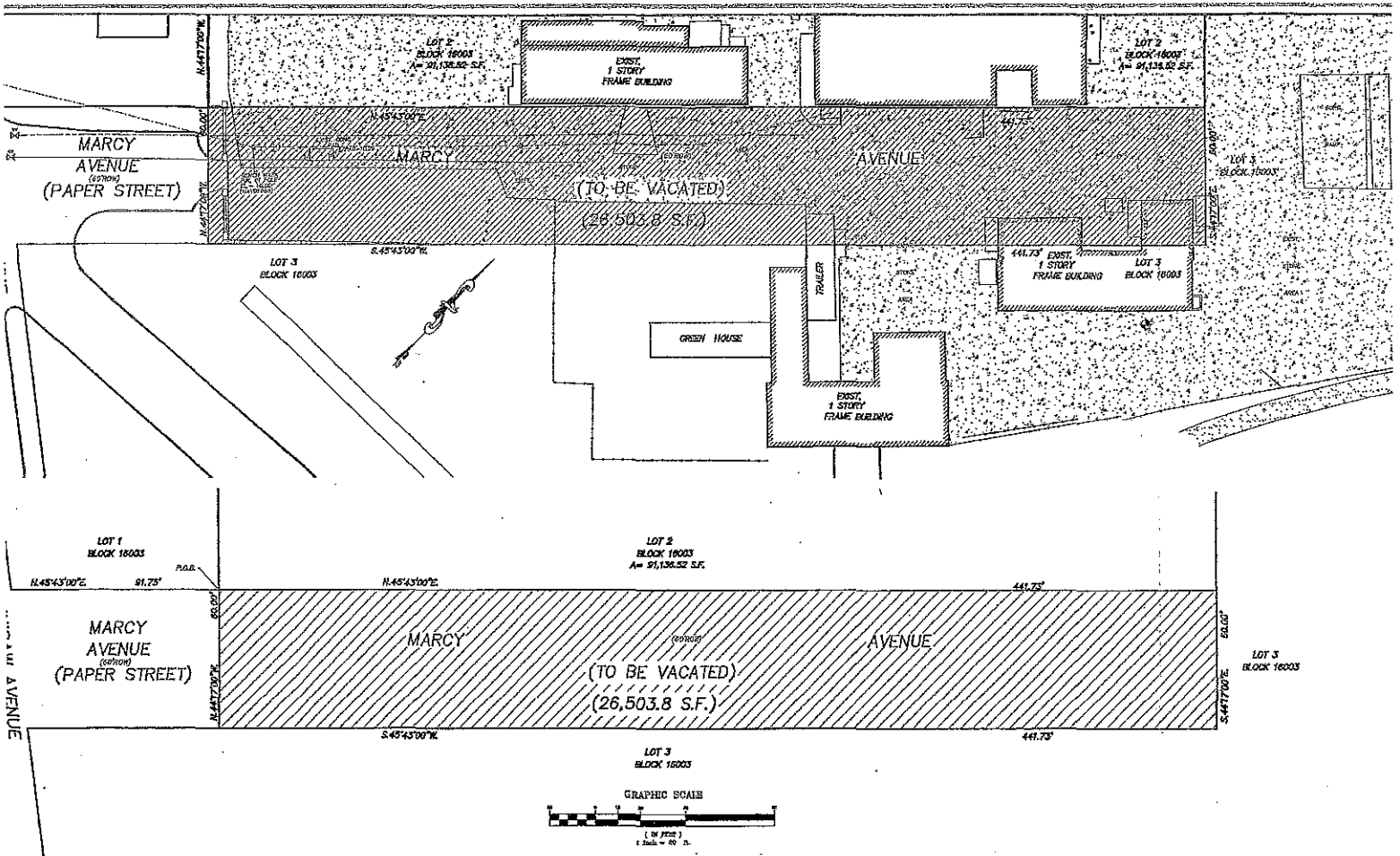
NOW THEREFORE, Petitioner hereby requests that the City of Jersey City adopt an ordinance, in substantially the form submitted with and made a part of this Petition by reference, which shall ordain the vacation of that area of the Marcy Avenue as more particularly described on the Description of Property to be Vacated, and depicted on the Right of Way Vacation Plan of Marcy Avenue, both prepared by Edward S. Dec, P.E., P.L.S., of Guarriello & Dec Associates, LLC, attached as Exhibit A and Exhibit B, respectively.

Respectfully,



Hugh A. McGuire III, Esq.  
Attorney for Petitioner,  
The County of Hudson

Dated: October 13, 2015



PREPARED BY:	REVISIONS	RIGHT OF WAY VACATION
EDWARD S. DEC		MARCY AVENUE
<i>Edward S. Dec</i>		SITUATED IN THE
		HUDSON COUNTY PARKS MAINT.
		JERSEY CITY, HUDSON CO., NJ
		ALSO KNOWN AS LOT 2, BLOCK 16003
		ON THE TAX MAP OF JERSEY CITY, HUDSON CO., NJ
		GUARRIELLO & DEC AS
		CIVIL ENGINEERS AND LAND SURVEYORS
		131 NORTH MICHIGAN J
		KENILWORTH, N.J. 07033
ALL PROFESSIONAL ENGINEERS AND LAND SURVEYORS MUST BE LICENSED IN THE STATE OF NEW JERSEY	DATE	DATE
	11-20-20	11-20-20
	11-20-20	11-20-20

**EXHIBIT B**

GUARRIELLO & DEC ASSOCIATES LLC  
CIVIL ENGINEERS AND LAND SURVEYORS  
131 NORTH MICHIGAN AVENUE  
P.O. BOX 208  
KENILWORTH, N.J. 07033  
908-620-1139 (ph.)  
908-620-1102 (fax)

DONALD R. GUARRIELLO  
N.J. P.E., P.P., P.L.S., C.M.E.

EDWARD S. DEC  
N.J. P.E., P.L.S., C.M.E.

DESCRIPTION OF PROPERTY TO BE VACATED  
A Portion of Marcy Avenue 60' Wide Right of Way  
City of Jersey City, Hudson County, NJ

The following is a metes and bounds description of a portion of Marcy Avenue, about to be vacated, situated between the southerly line of Block 16003, Lot 2 and the northerly line of Block 16003, Lot 3 as delineated on the tax map of the City of Jersey City, Hudson County, NJ.

BEGINNING at a point of intersection of the westerly line of Block 16003, Lot 1 and the northerly line of Marcy Avenue. Said point being N.45 degrees 43 minutes 00 seconds E. 91.75 feet along said northerly line of Marcy Avenue and its intersection with the westerly sideline of Communipaw Avenue; Thence, along aforesaid southerly line of Lot 2

- 1) North 45 degrees 43 minutes 00 seconds East, 441.73' feet to a point of intersection of said southerly line and the westerly line of Block 16003, Lot 3; Thence, along said westerly line
- 2) South 44 degrees 17 minutes 00 seconds East, 60.00 feet to a point of intersection of said westerly line and the northerly line of same Lot 3; Thence, along said northerly line
- 3) South 45 degrees 43 minutes 00 seconds West, 441.73 feet to a point of intersection of said northerly line and the aforesaid westerly sideline of Communipaw Avenue; Thence, along said westerly line
- 4) North 44 degrees 17 minutes 00 seconds West, 60.00 feet to the point and place of BEGINNING

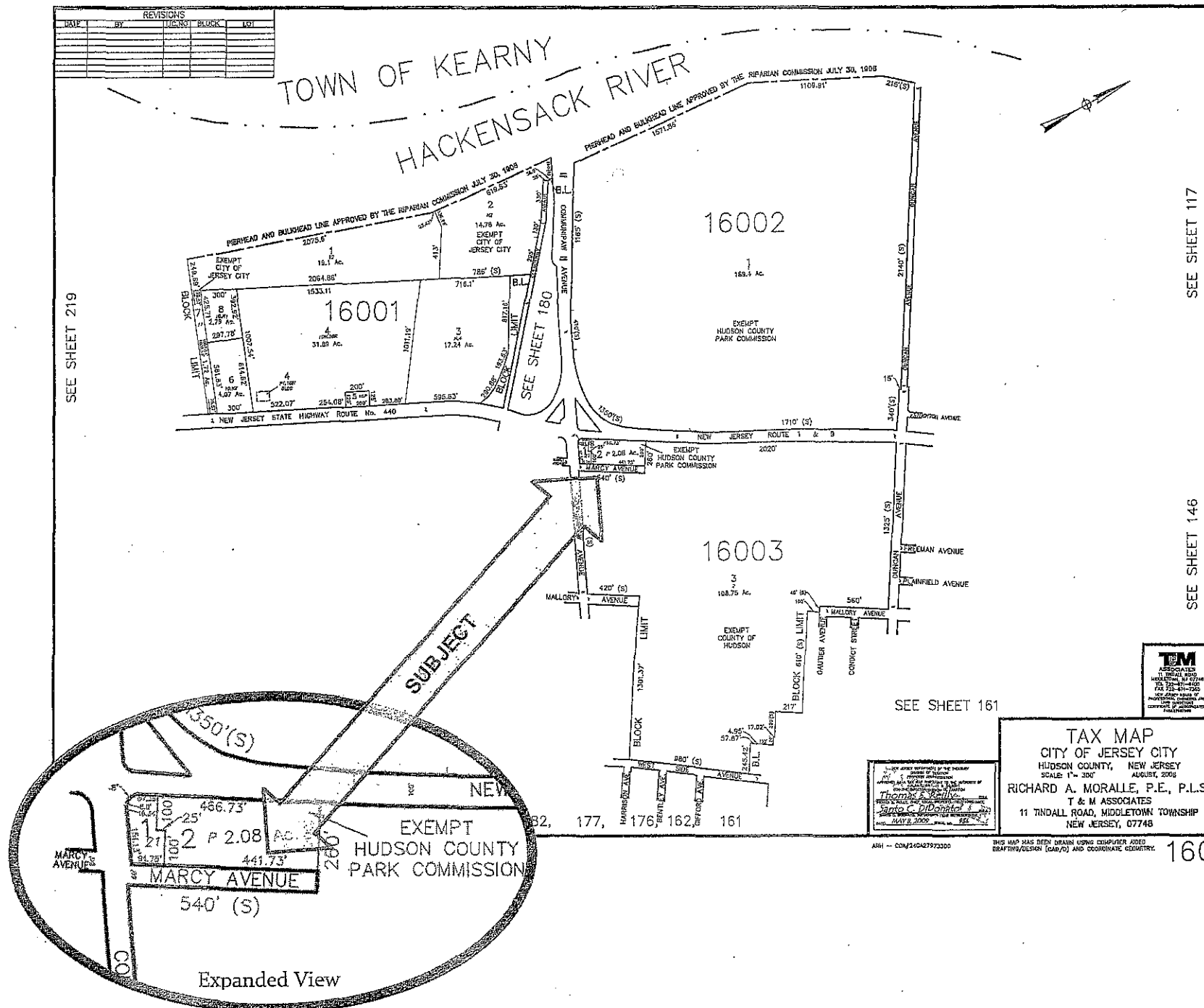
SAID ABOVE DESCRIBED tract or parcel of land containing within said bounds 0.6084 acres more or less (26,503.8 S.F.).

October 10, 2014

EDWARD S. DEC  
N.J. P.E., P.L.S., C.M.E. 24GB0389740

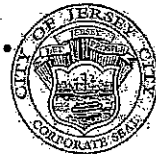
EXHIBIT A

# EXHIBIT C





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



ORDINANCE NO. Ord. 16.047  
TITLE: 3.C MAR 9 2016

4.A. APR 13 2016

Ordinance by the Municipal Council of the City of Jersey  
City vacating a portion of Marcy Avenue, Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAR 09 2016 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">APR 13 2016 9-0</span>											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>OSBORNE</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	✓			WATTERMANN	✓		
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				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">APR 13 2016 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 09 2016  
Adopted on second and final reading after hearing on APR 13 2016

This is to certify that the foregoing Ordinance was adopted by  
the Municipal Council at its meeting on APR 13 2016

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

APR 13 2016

APPROVED:

Steven M. Fulop, Mayor

Date

APR 15 2016

Date to Mayor

APR 14 2016