

City Clerk File No. Ord. 18-044

Agenda No. 3-B 1st Reading

Agenda No. 4-B 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 18-044

TITLE:

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO LARRY LI AND LEI WANG, THEIR SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BRIGHT STREET RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT 278 GRAND STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE CURRENT TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 14105, LOT 9.**

WHEREAS, Larry Li and Lei Wang (hereinafter, collectively the "Petitioner") are the owners of the property located at 278 Grand Street, Jersey City, New Jersey, and known as Block 14105, Lot 9 on the current Tax Map of the City of Jersey City (hereinafter, the "Property"); and

WHEREAS, the Property is located within the Bright Street Redevelopment Area and applied for and was approved for a Minor Site Plan Approval, as well as any other variations, waivers and/or approvals as may be required in order to construct a four (4)-story residential building with two (2) residential units on the Property; and

WHEREAS, pursuant to a Resolution of the Jersey City Planning Board (Case #P16-117) dated April 11, 2017 and memorialized on May 16, 2017, the Planning Board of the City of Jersey City approved the proposed building; and

WHEREAS, as part of the Planning Board Approval, the new construction at the Property includes a provision that the stoop and patio will be constructed within fencing that will be located within a portion of the public right-of-way along Bright Street, which is more particularly depicted and described in the metes and bounds description (Exhibit A); the Plan of Proposed Franchise Ordinance Area (Exhibit B); and the Proposed Improvements and Franchise Ordinance (Exhibit C); attached hereto; and

WHEREAS, several other properties on the block have a similar configuration with fenced patios and stoops in the public right-of-way; and

WHEREAS, the Petitioner is required to file the Petition for Franchise Ordinance to make any private improvements within the public right-of-way; and

WHEREAS, the 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 private improvements within the public right-of-way for the following purposes:

1. The improvement will include the construction of a stoop and patio within fencing that will be located within a portion of the Bright Street public right-of-way.
2. There will be sufficient area in the right-of-way for typical pedestrian use.
3. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

**WHEREAS**, the Jersey City Zoning Officer and the 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, and the use of the right-of-way by the public, 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 Larry Li and Lei Wang, their successors and assigns, to complete private improvements to a portion of lands located within the public rights-of-way adjacent to 278 Grand Street, Jersey City, New Jersey, and known as Block 14105, Lot 9 on the current Tax Map of the City of Jersey City, said areas being more particularly described as follows and on the metes and bounds description and Franchise Plan Exhibits attached hereto as Exhibits, A, B and C.

1. The improvement will include the construction of a stoop and patio within fencing that will be located within a portion of the Bright Street public right-of-way.
2. There will be sufficient area in the right-of-way for typical pedestrian use.
3. The 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 improvements are necessary to construct the proposed development consistent with the development approvals 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 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 for a period of twenty (20) 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 (1) 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 in general liability insurance, or in such amount and type as the City Risk Manager may reasonably require from time to time, 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. The Petitioner, its successors and assigns, shall also maintain in effect, during the term of this franchise, liability insurance naming the Petitioner, its officers and employees as additional insured covering the use and occupancy of the public property subject to this franchise in the same amount of the liability insurance for the City of Jersey City.

**SECTION VI.** The 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 the Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

**SECTION VII.** 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 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 VIII.** 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 and 00/100 Cents (\$1.00), which payment shall be made annually on the first (1<sup>st</sup>) day of January next succeeding the time when this Ordinance shall become effective and on each first (1<sup>st</sup>) day of January thereafter until the termination of this Ordinance.

**SECTION IX.**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. The 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. The 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 certification 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

  
Corporation Counsel

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

APPROVED:   
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE 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**

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO LARRY LI AND LEI WANG, THEIR SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BRIGHT STREET RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT 278 GRAND STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE CURRENT TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 14105, Lot 9.**

**Initiator**

Department/Division	CITY CLERK OFFICE	
Name/Title	ROBERT BYRNE	CITY CLERK
Phone/email	201-547-5149	

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

**Resolution Purpose**

The owners of 278 Grand Street is proposing to construct a new four (4) story, two (2) family residential building. The improvements will include the construction of a stoop and patio within fencing located within. The Jersey City Planning Board approved the proposed building with provision that the proposed stoop and patio will be located within the public right of way along Bright Street.

I certify that all the facts presented herein are accurate.

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

5/7/18  
\_\_\_\_\_  
Date

PETITION

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

Your petitioners, Larry Li and Lei Wang (hereinafter, collectively the "Petitioner") the owners of the property located at 278 Grand Street, Jersey City, New Jersey, respectfully say that:

1. Petitioner is the owner of the property located at 278 Grand Street, Jersey City, New Jersey, more particularly described on the Tax Map of the City of Jersey City as Lot 9, Block 14105 (hereinafter, the "Property"). The Petitioner is proposing to construct a new four (4)-story, two (2)-family residential building on Property.

2. By a Resolution of the Jersey City Planning Board (Case #P16-117) dated April 11, 2017 and memorialized on May 16, 2017, the Planning Board of the City of Jersey City approved the proposed building with the provision that the proposed stoop and patio will be constructed in the public right-of-way along Bright Street.

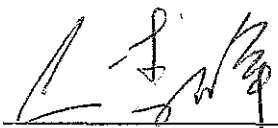
3. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

- A. The contemplated improvements will include the construction of a stoop and patio within fencing that will be located within a portion of the public right-of-way along Bright Street.
- B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.
- C. The area of the Property between the Property line and the metal fencing, which would be subject to the proposed franchise ordinance, is shown in the Plan of Proposed Franchise Ordinance Area attached hereto as Exhibit A and made apart hereof.

6. Petitioner will present the proposed improvements to the Jersey City Zoning Officer and Building Department, which can approve the proposed improvements conditioned upon the Petitioner, its successors and assigns, being granted a franchise ordinance by the City Council of the City of Jersey City.

7. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, will greatly benefit the Property and will provide for aesthetic improvements to the surrounding area and neighborhood.

**WHEREFORE**, Petitioner respectfully requests for itself, its successors and assigns, the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way along Bright Street, as more particularly shown on the plans annexed hereto and made apart hereof.

By:   
Larry Li, Petitioner  
AKA Zheng Li

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



ORDINANCE NO. Ord. 18-044  
TITLE: 3.B MAY 9 2018 4.B

**MAY 23 2018**

A franchise ordinance granting permission to Larry Li and Lei Wang, their successors and assigns, to make private improvements in the Bright Street right-of-way adjacent to the property located at 278 Grand Street, Jersey City, New Jersey, also known on the current tax map of the City of Jersey City as Block 14105, Lot 9.

RECORD OF COUNCIL VOTE ON INTRODUCTION <b>MAY 09 2018 9-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <b>MAY 23 2018 6-0</b>											
Councilperson <u>RIDLEY</u> moved, seconded by Councilperson <u>SOLOMON</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	ABSENT			RIVERA	ABSENT		
PRINZ-AREY	ABSEN			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

DAN SICARDI  
JEAN DALY  
MIKE KULOWSKI

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.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <b>MAY 23 2018 8-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **MAY 09 2018**

Adopted on second and final reading after hearing on **MAY 23 2018**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 23 2018**

Robert Byrne  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

**MAY 23 2018**

APPROVED:

Steven M. Fulop, Mayor

Date

**MAY 25 2018**

Date to Mayor

**MAY 24 2018**