

City Clerk File No. Ord. 19-037

Agenda No. 3.1 1st Reading

Agenda No. 4.1 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-037

TITLE:

**ORDINANCE BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ACCEPTING A DEDICATION OF CERTAIN LAND AND IMPROVEMENTS LOCATED WITHIN THE POWERHOUSE ARTS DISTRICT REDEVELOPMENT AREA AT PROVOST STREET BETWEEN BAY STREET AND MORGAN STREET, AUTHORIZING THE EXECUTION OF A DEDICATION AGREEMENT WITH 126-142 MORGAN STREET URBAN RENEWAL, LLC AND 134 BAY STREET, LLC, THE EXECUTION OF A DEED OF EASEMENT WITH 126-142 MORGAN STREET URBAN RENEWAL, LLC AND 134 BAY STREET, LLC, AND THE EXECUTION OF A DEED OF EASEMENT WITH 126-142 MORGAN STREET URBAN RENEWAL, LLC**

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

**WHEREAS**, the Powerhouse Arts District Redevelopment Plan requires the owner of property identified on the Tax Map of the Tax Assessor of the City of Jersey City as Block 11505, Lot 1 and the owner of property identified on the Tax Map of the Tax Assessor of the City of Jersey City as Block 11506, Lot 2.01 to create a public pedestrian plaza in conjunction with the development of those properties; and

**WHEREAS**, in accordance with the Powerhouse Arts District Redevelopment Plan the public pedestrian plaza is to be created through development and dedication to the City of Jersey City (the "CITY") of a part of Block 11505, Lot 1 and the re-surfacing and closure (to vehicular traffic) of that part of Provost Street that is directly adjacent to Block 11505, Lot 1 between Bay Street and Morgan Street to create a single public pedestrian plaza; and

**WHEREAS**, 126-142 Morgan Street Urban Renewal, LLC ("MSUR") is the owner of Block 11505, Lot 1 commonly known as 10 Provost Street in the City of Jersey City, County of Hudson, and State of New Jersey including the part which is required to be a part of the public pedestrian plaza as more particularly described in and depicted on Exhibit A, attached hereto and made a part hereof (the "East Property"); and

**WHEREAS**, 134 Bay Street, LLC ("BAY") is the owner of certain improved land identified on the Tax Map of the Tax Assessor of the CITY as Block 11506, Lot 2.01 (the "West Property"); and

**WHEREAS**, Provost Street between Bay Street and Morgan Street is a public right of way of the CITY which is open to pedestrian and vehicular traffic located directly between the East Property and the West Property ("Provost Street"); and

**WHEREAS**, as required by the Powerhouse Arts District Redevelopment Plan and by a certain final major site plan approval granted by the Jersey City Planning Board for Block 11505, Lot 1 memorialized on September 15, 2015 by Resolution P08-114.1, MSUR has developed the East Property as part of a public pedestrian plaza with landscaping, trees, lighting equipment, walkways, curbs, railings, pedestals for the display of public art, and other decorative landscape and hardscape elements (the "East Property Plaza Improvements"); and

**WHEREAS**, the East Property Plaza Improvements on the East Property have been completed and are ready for their intended use as a public pedestrian plaza; and

**WHEREAS**, MSUR, has filed a petition with the CITY offering to convey, transfer and dedicate to the CITY, for the use and benefit of the public, a perpetual easement to use the surface of the East Property together with the East Property Plaza Improvements as the first section of the public pedestrian plaza; and

**WHEREAS**, MSUR desires to enter into a dedication agreement, and subject thereto, deliver a deed of easement in perpetuity to the CITY dedicating the surface of the East Property together with the East Property Plaza Improvements for use as a public park, subject to certain conditions including easements reserved by MSUR, for itself, BAY and their successors and assigns for the non-exclusive use and enjoyment of the public pedestrian plaza and to perform regular maintenance (as defined therein) of the public pedestrian plaza; and

**WHEREAS**, as required by the Powerhouse Arts District Redevelopment Plan, and by a certain final major site plan approval granted by the Planning Board memorialized on January 8, 2019 for the West Property, following the development of the West Property, BAY is required to prepare the existing cobblestone in Provost Street for use as part of a public pedestrian plaza by removing, repairing, and/or resurfacing it as needed, to promote safety for the typical pedestrian ("Provost Street Improvements"); and

**WHEREAS**, the Provost Street Improvements will be performed immediately following the development of the West Property; and

**WHEREAS**, BAY desires to enter into a dedication agreement and, subject thereto, dedicate the Provost Street Improvements in perpetuity to the CITY for use as a public park; and

**WHEREAS**, upon completion of the Provost Street Improvements, BAY will petition the CITY for the adoption of an ordinance that satisfies the requirements of N.J.S.A. 40:56-69 to close Provost Street to vehicular traffic and take such other action necessary and appropriate and required by the dedication agreement so that Provost Street can be used in conjunction with the East Property Improvements to complete the creation of the public pedestrian plaza in accordance with the Powerhouse Arts District Redevelopment Plan; and

**WHEREAS**, upon receipt of such petition the CITY will take such action required by the dedication agreement so that Provost Street can be used in conjunction with the East Property Improvements to complete the creation of the public pedestrian plaza in accordance with the Powerhouse Arts District Redevelopment Plan; and

**WHEREAS**, MSUR offers to convey, transfer and dedicate to the CITY in perpetuity, for the use and benefit of the public, a perpetual easement to use the surface of the East Property together with the East Property Plaza Improvements as a part of the pedestrian public plaza; and

**WHEREAS**, the City of Jersey City is authorized pursuant to N.J.S.A. 40:67-1 and N.J.S.A. 40A:12-5 to accept the conveyance and dedication of lands for public purposes.

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

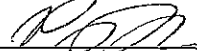
1. The land, improvements and appurtenances thereon located within the Powerhouse Arts District Redevelopment Area, more particularly described as follows:
  - a) The part of Block 11505, Lot 1 which is more particularly described in and depicted on Exhibit A, attached hereto and made a part hereof, located in the City of Jersey City, County of Hudson, and State of New Jersey ("East Property") be and the same is hereby accepted and dedicated as a public park.
  - b) The Provost Street Improvements which are more particularly described in and depicted on Exhibit B, attached hereto and made a part hereof, located in the City of Jersey City, County of Hudson, and State of New Jersey be and the same is hereby accepted and dedicated as a public park;
2. The CITY shall provide the public pedestrian plaza with municipal services including, water, sewer, fire protection and police protection, including the enforcement of those local ordinances applicable to public parks. The CITY shall be responsible for the cost of water, sewer, and electric service for public pedestrian plaza;
3. MSUR, for itself, BAY and their successors and assigns shall have the non-exclusive use and enjoyment of the public pedestrian plaza and access thereto to perform regular maintenance (as defined in the dedication agreement) of the public pedestrian plaza;
4. The acceptance of this dedication shall be subject to the following terms and conditions:
  - a) The execution of a plaza dedication agreement by MSUR, BAY, and the Business Administrator or the Mayor on behalf of the CITY as approved by the Office of the Corporation Counsel and substantially in the form attached hereto as Exhibit C (the "Plaza Dedication Agreement");
  - b) The approval of the construction of the East Property Improvements by the CITY'S Municipal Engineer and/or Chief Architect;
  - c) The approval and acceptance by the Office of the Corporation Counsel of a title report provided by MSUR;
  - d) The execution of a deed of easement by MSUR, BAY, and the Business Administrator or the Mayor on behalf of the CITY approved by the Office of the Corporation Counsel and substantially in the form attached to the Plaza Dedication Agreement as Exhibit D (the "Deed of Easement");
  - e) The recordation of the executed Deed of Easement;
  - f) Subject to approval by the Office of the Corporation Counsel, the execution and delivery by the CITY of all documents necessary to accomplish the dedication of the aforementioned lands and improvements;
  - g) Upon delivery of the Deed of Easement to the CITY, MSUR shall provide the CITY with a two (2) year maintenance bond for the improvements in a form satisfactory to the CITY Office of the Corporation Counsel. During the two (2) year period after the delivery of the Deed of Easement, MSUR shall promptly correct any deficiencies in workmanship and design which threaten the structural integrity of improvements or create a risk to public safety upon receiving notice of such deficiencies from the CITY'S Municipal Engineer and/or Chief Architect. MSUR shall correct all other deficiencies at the end of the two (2) year period. At the end of the two (2)


year period, the CITY shall be responsible for the structural maintenance of the improvements which are the subject of this dedication; and

- h) Upon completion of the Provost Street Improvements, BAY shall provide the CITY with a two (2) year maintenance bond for the improvement in a form satisfactory to the CITY Office of the Corporation Counsel. During the two (2) year period after acceptance of the Provost Street Improvements, BAY shall promptly correct any deficiencies in workmanship and design which threaten the structural integrity of improvements or create a risk to public safety upon receiving notice of such deficiencies from the CITY'S Municipal Engineer and/or Chief Architect. BAY shall correct all other deficiencies at the end of the two (2) year period. At the end of the two (2) year period, the CITY shall be responsible for the structural maintenance of the improvements which are the subject of this dedication; and
5. Subject to review and approval by the Municipal Engineer, the dedication shall be subject to all easements affecting the East Property and West Property recorded in the office of the Hudson County Register for the benefit of public or private entities for the purpose of operating and maintaining, inspecting, protecting, repairing, replacing or reconstructing any part gas, electric, water, sewer or utility lines including cable television wires and poles and the together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or any way relating to MSUR's and BAY'S use and enjoyment of their properties.
- 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.

RR  
4-15-19

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED: 

APPROVED:   
Business Administrator

Certification Required ☐  
Not Required ☐

*RR*  
*4-15-19*

**RESOLUTION FACT SHEET - CONTRACT AWARD**

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 BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ACCEPTING A DEDICATION OF CERTAIN LAND AND IMPROVEMENTS LOCATED WITHIN THE POWERHOUSE ARTS DISTRICT REDEVELOPMENT AREA AT PROVOST STREET BETWEEN BAY STREET AND MORGAN STREET, AUTHORIZING THE EXECUTION OF A DEDICATION AGREEMENT WITH 126-142 MORGAN STREET URBAN RENEWAL, LLC AND 134 BAY STREET, LLC, AND AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT WITH 126-142 MORGAN STREET URBAN RENEWAL, LLC

**Project Manager**

Department/Division	HEDC	Planning
Name/Title	Tanya Marione Matt Ward	Director Principal Planner
Phone/email	547-5080 547-5883	<a href="mailto:tanvam@jcnj.org">tanvam@jcnj.org</a> <a href="mailto:mward@jcnj.org">mward@jcnj.org</a>

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

**Contract Purpose**

The Powerhouse Arts District Redevelopment Plan (Plan) requires the owner (126-142 Morgan Street Urban Renewal, LLC ("MSUR")) of property known as Block 11505, Lot 1 (East Property) and the owner (134 Bay Street, LLC ("BAY")) of property known as Block 11506, Lot 2.01 (West Property) to create a public pedestrian plaza in conjunction with the development of their properties. Provost St. between Bay St. and Morgan St. is a public right of way of the City which is open to pedestrian and vehicular traffic located directly between the East Property and the West Property ("Provost St."). As required by the Plan and by its site plan approval, MSUR has developed the East Property as part of a public pedestrian plaza with landscaping, trees, lighting equipment, walkways, curbs, railings, pedestals for the display of public art, and other decorative landscape and hardscape elements (the "East Property Plaza Improvements"). As required by the Plan, and by its site plan approval, BAY is required to prepare the existing cobblestone in Provost St. for use as part of a public pedestrian plaza by removing, repairing, and/or resurfacing it as needed, to promote safety for the typical pedestrian ("Provost St. Improvements"). MSUR desires to enter into a dedication agreement, and deliver a deed of easement in perpetuity to the City dedicating the surface of the East Property together with the East Property Plaza Improvements for use as a public park. BAY desires to enter into a dedication agreement and dedicate the Provost Street Improvements in perpetuity to the CITY for use as a public park. Upon the completion of the Provost St. improvements, the City will take such action required by the dedication agreement so that Provost St. can be used in conjunction with the East Property Improvements to complete the creation of the public pedestrian plaza in accordance with the Plan.

**Cost (Identify all sources and amounts)**

Not applicable

**Contract term (include all proposed renewals)**

In perpetuity

Type of award Not Applicable

If "Other Exception", enter type

**Additional Information**

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. 19-037

TITLE: 3.1 APR 24 2019 4.1

**MAY - 8 2019**

An ordinance by the Municipal Council of the City of Jersey City accepting a dedication of certain land and improvements located within the Powerhouse Arts District Redevelopment Area at Provost Street between Bay Street and Morgan Street, authorizing the execution of a dedication agreement with 126-142 Morgan Street Urban Renewal, LLC and 134 Bay Street LLC, and the execution of a deed of easement with 126-142 Morgan Street Urban Renewal, LLC

## RECORD OF COUNCIL VOTE ON INTRODUCTION

**APR 24 2019 9-0**

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

**MAY 08 2019**

Councilperson RIVERA moved, seconded by Councilperson PRINZ-AREY to close P.H.

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.	✓		

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

## RECORD OF FINAL COUNCIL VOTE

**MAY 08 2019 9-0**

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.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

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

**APR 24 2019**

Adopted on second and final reading after hearing on

**MAY 08 2019**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAY 08 2019**

Robert Byrne, City Clerk

\*Amendment(s):

04.24.19

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

**MAY 08 2019**

APPROVED:

Steven M. Fulop, Mayor

Date

**MAY 13 2019**

Date to Mayor

**MAY - 9 2019**