

City Clerk File No. Ord. 07-153

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09/26/2007 11:41A
WILLIE L. FLOOD
HUDSON COUNTY
REGISTER OF DEEDS
Receipt No. 40824

Agenda No. 3.A. 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:

CERTIFIED to be a true copy of
ORDINANCE adopted by the
Municipal Council of the city of
Jersey City at its meeting of 9/11/07

CITY ORDINANCE 07-153

[Signature]
CITY CLERK

TITLE:

AN ORDINANCE VACATING A PORTION OF WASHINGTON STREET FROM ITS INTERSECTION WITH DUDLEY STREET AND EXTENDING SOUTHERLY TO THE MORRIS CANAL BIG BASIN AND AUTHORIZING THE ACCEPTANCE OF A DEED DEDICATING THE WESTERLY SIDE OF THE VACATED STREET AS A PUBLIC PARK

WHEREAS, the State of New Jersey (State) is the owner of Block 60.1, Lots 1, 3, and 5 also known as the Liberty State Park which adjoins the easterly side of Washington Street south of its intersection with Dudley Street; and

WHEREAS, Portside Towers Corp. (PTC) is the owner of Block 60, Lot 34 a/k/a 155 Washington Street which adjoins the westerly side of Washington Street south of its intersection with Dudley Street; and

WHEREAS, the portion of Washington Street south of its intersection with Dudley Street and extending to its southerly terminus at the Morris Canal Big Basin is a public right-of-way; and

WHEREAS, the City of Jersey City (City) desires to vacate Washington Street from its intersection with Dudley Street to its southerly terminus at the Morris Canal Big Basin shown on the map attached hereto as Exhibit "A" so that the westerly side of the vacated street can be dedicated as a public park and the easterly side can revert back to the State's full ownership and control; and

WHEREAS, PTC does not object to the vacation of this portion of Washington Street; and

WHEREAS, the Historic Paulus Hook Association (HPHA) is a nonprofit community organization which represents many of the residents of the Paulus Hook neighborhood; and

WHEREAS, the HPHA supports the development of a public park on the vacated portion of the westerly side of Washington Street; and

WHEREAS, the City will accept an easement deed from PTC which will dedicate the vacated portion of the westerly side of Washington Street for use as a public park; and

WHEREAS, the Candles of Life Memorial (Memorial), a Korean War monument is located at the southerly terminus of Washington Street near the Morris Canal Big Basin; and

WHEREAS, vehicular access and parking for disabled visitors to the Memorial will be permitted in the park subject to certain terms and conditions; and

WHEREAS, the area being vacated is no longer necessary for normal vehicular traffic; and

WHEREAS, the ordinance has been duly advertised and proof of the giving of due notice of the 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.

2007264

BK:08336 PG:00205

5-80.2

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

SECTION I

A portion of the public right-of-way known as Washington Street located south of its intersection with Dudley Street and extending to its southerly terminus at the Morris Canal Big Basin and shown on Exhibit "A" attached hereto is hereby vacated.

SECTION II

All costs and expenses, incidental to the introduction, passage and publication of the ordinance, including preparation and mailing of any and all notices related to this ordinance upon owners within 200 feet of the area to be vacated shall be born and paid by the HPHA.

SECTION III

This ordinance shall be filed with the Register of Hudson County within 30-days after this ordinance becomes effective. Upon filing with the Register of the County of Hudson, title to the vacated portion of Washington Street shall vest in the State and PTC.

SECTION IV

This ordinance shall be subject to the following:

- a) in the event there are utilities located under the roadway being vacated hereunder, an easement in perpetuity 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. 1986 (c. 48:5A-1, et seq.) for the purpose of ingress 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, 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; and
- b) no buildings or structures of any kind may be constructed over the water or sewer utilities within the area subject to the vacation without the consent of the Chief Engineer of the City of Jersey City unless and until those utilities are relocated and/or abandoned.

SECTION V

After the street has been vacated, the City shall accept from PTC an easement deed dedicating the westerly side of the vacated street for the use as a public park.

SECTION VI

The Mayor or Business Administrator is hereby authorized:

- a) subject to such modifications as deemed necessary or appropriate by Corporation Counsel, execute an easement deed with PTC dedicating the westerly side of the vacated street as a public park; and
- b) subject to approval and acceptance by the City's Corporation Counsel, execute all documents necessary to accomplish the dedication

SECTION VII

The easement deed from PTC shall contain the following terms, conditions, and restrictions:

- a) three (3) parking spaces shall be designated on the westerly side of the former Washington Street as shown on Exhibit "B" attached hereto for use only by persons displaying handicapped license plates visiting the Memorial;
- b) six (6) parking spaces shall be designated on the westerly side of the former Washington Street as shown on Exhibit "B" attached hereto for use only by persons visiting the Memorial;
- c) signs as described and displayed on Exhibit "B" shall be installed on the westerly side of the former Washington Street in order to explain the limited permissible use of the park by motor vehicles;
- d) bollards preventing access to the park by motor vehicles shall be installed on the westerly side of the former Washington Street except for an opening allowing one lane of vehicular access to the parking as described in sections a. and b. above;
- e) the vehicular access lane on the westerly side of the former Washington Street shall be closed and chained between 8:00 p.m. and 8:00 a.m. each day by PTC's security personnel; and
- f) the City shall be responsible for maintaining the Candles of Life Memorial located at the southerly terminus of Washington Street near the Morris Canal Big Basin.

SECTION VIII

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION IX

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 X

This ordinance shall take effect at the time and in the manner provided by law.

SECTION XI

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 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.

RR
8-21-07

APPROVED AS TO LEGAL FORM

Randy Reddington
Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____

[Signature]
Business Administrator

Certification Required ☐

Not Required ☒

BK:08336 PG:00207

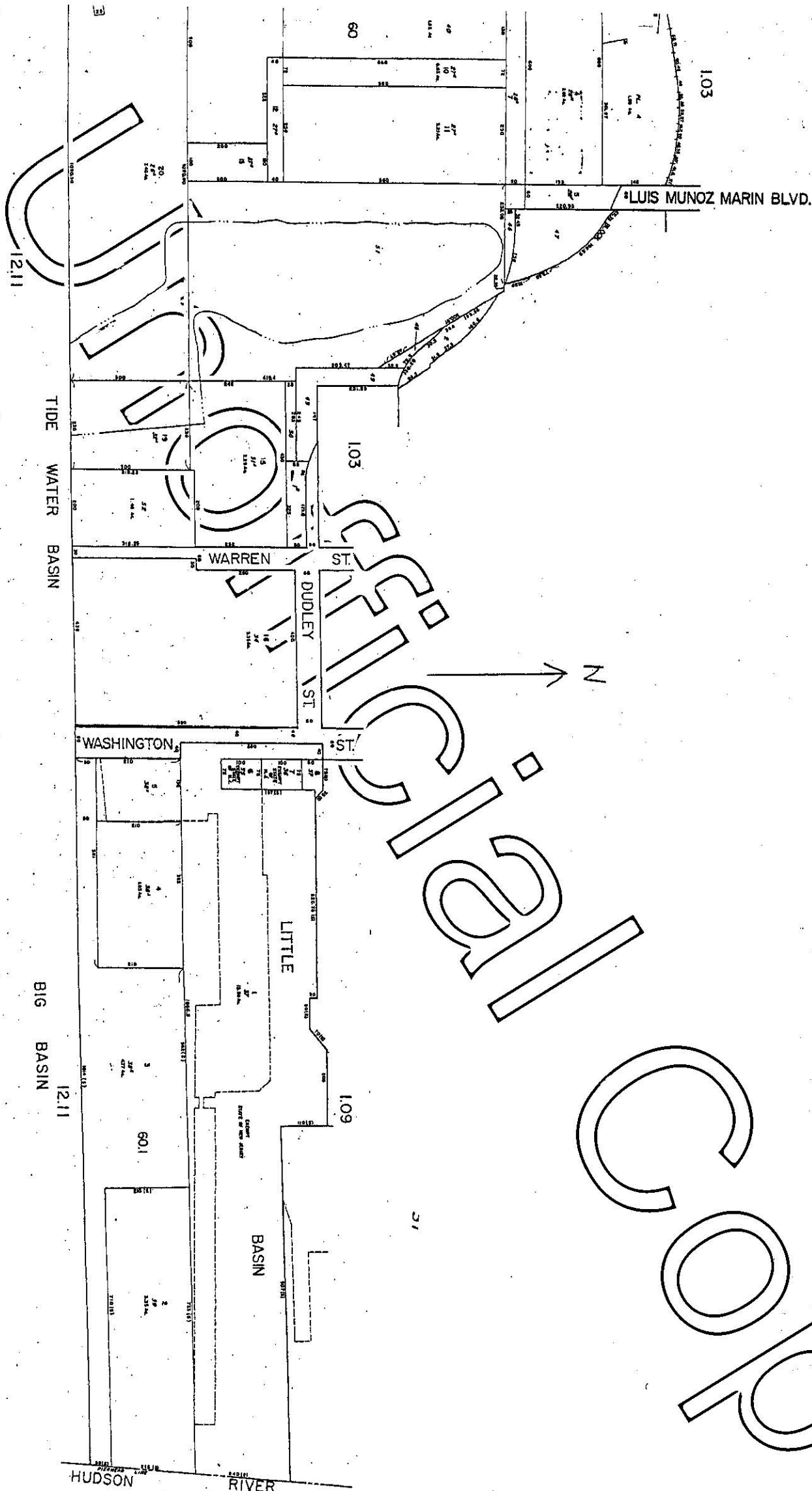
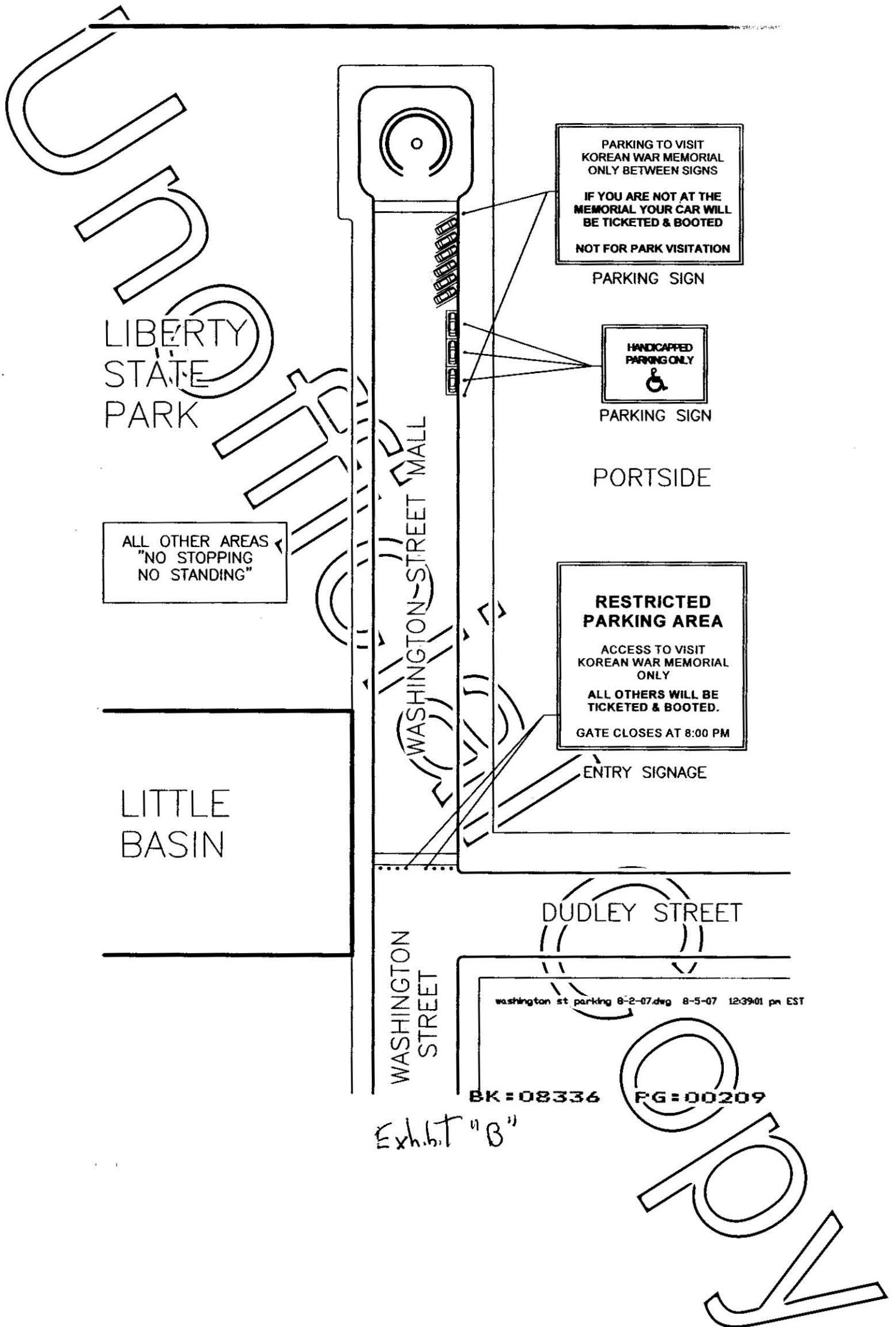


Exhibit "A"

BIG BASIN



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

ORDINANCE NO. Ord. 07-153

TITLE:

3.A. AUG 22 2007

4.A. SEP 11 2007



An ordinance vacating a portion of Washington Street from its intersection with Dudley Street and extending southerly to the Morris Canal Big Basin and authorizing the acceptance of a deed dedicating the westerly side of the vacated street as a public park.

RECORD OF COUNCIL VOTE ON INTRODUCTION AUG 22 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 11 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

SONIA MALDONADO
GERRY BAKIRTJY

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE SEP 11 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **AUG 22 2007**

Adopted on second and final reading after hearing on **SEP 11 2007**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **SEP 11 2007**

Robert Byrne, City Clerk

APPROVED:

for Mariano Vega, Jr., Council President

Date: **SEP 11 2007**

APPROVED:

Jermaine T. Healy, Mayor

Date: **SEP 19 2007**

Date to Mayor **SEP 12 2007**

BK=08336 PG=00209-01

*Amendment(s):