

Resolution of the City of Newark, N.J.

AUG 02 2017

NO. 7R12B

Date of Adoption _____

Title Page

Dept/ Agency: Water and Sewer Utilities**Action:** () Ratifying (X) Authorizing () Amending**Type of Service:** Leasing property in City of Newark**Purpose:** Deed of Easement for Permanent Stormwater Easement and Temporary Access and Construction Easement**Entity Name:** International Way, L.L.C. c/o Hartz Mountain Industries, Inc.**Entity Address:** 400 Plaza Drive, P.O. Box 1515, Secaucus, New Jersey 07906-1515**Lease Amount:** \$0.00**Lease Period:** Permanent**Contract Basis:** () Bid () State Vendor () Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient (X) n/a

Property Location:**(Acre(s)/Block/Lot/City/State)**

Block 5088, Lots 126,01,138, 169,182

Additional Information:

No municipal funds are required or will be spent under this Agreement.

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

Corporation Counsel_____
Title

Council Member _____ presents the following Resolution:

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Factual contents certified by

K. J. R. T.
Acting Corporation Counsel

Raheem Adams
Assistant Director of Public Title
Julia Kelly B.A.

Council Member James presents the following Resolution:

WHEREAS, International Way, L.L.C. c/o Hartz Mountain Industries, Inc., 400 Plaza Drive, P.O. Box 1515, Secaucus, New Jersey 07906-1515, owns and has title to the real property lying and being situated in the City of Newark, Essex County, New Jersey, designated as Block 5088, Lots 126.01, 138, 169 and 182 ("Hartz Mountain Property."); and

WHEREAS, the City of Newark, Department of Water and Sewer Utilities ("City ") intends to make improvement to that certain ditch in the vicinity of the Hartz Mountain Property, known as Queen Ditch, for the purpose of causing Queen Ditch to accommodate Stormwater flow from lands within the Queen Ditch Drainage Area and ultimately conveying it to Newark Bay; and

WHEREAS, a portion of Queen Ditch that will be improved falls on the Hartz Mountain Property; and

WHEREAS, the City has filed an application with the New Jersey Department of Environmental Protection for a Freshwater Wetlands Letter of Interpretation and Individual Permit and Flood Hazard Area Verification and Individual Permit, which application was signed by International Way, L.L.C. c/o Hartz Mountain Industries, Inc. as the owner of the affected property; and

WHEREAS, the City desires: (1) a permanent easement across the Hartz Mountain Property to make improvements to Queen Ditch so that it can accommodate Stormwater flow from lands owned and/or operated by the City , and; (2) a temporary access and construction easement on the Hartz Mountain Property to allow the City to access the Hartz Mountain Property for the purpose of making certain improvements to Queen Ditch and to stage materials during construction of such improvements; and

WHEREAS, the Parties desire to provide for the confirmation and establishment of (1) a permanent Stormwater easement across the Hartz Mountain Property for the benefit of the City , in the area depicted on Exhibit A hereto and described by metes and bounds set forth in Exhibit A hereto and ranging from thirty (30') to sixty-five feet (65') in width (the "Stormwater Easement Area"), (2) a temporary construction easement in two separate sections on the Hartz Mountain Property, depicted on Exhibit A hereto and labelled thereon as 10' Wide Temporary Easement and 20' Wide Temporary Easement and described by metes and bounds set forth in Exhibit A hereto (the "Temporary Construction Easement Area"), and (3) a temporary, non-exclusive easement for storage and staging of materials and equipment, located on the southern side of the Hartz Mountain Property, depicted on Exhibit B hereto (the "Temporary Staging Area") (collectively, the "Easement Areas"), all subject to the terms and conditions set forth herein.

AUG 02 2017

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor, and/or his designee, the Director of the Department of Water and Sewer Utilities, are hereby authorized on behalf of the City of Newark to enter into a Deed of Easement for Permanent Stormwater Easement and Temporary Access and Construction Easement located on Block 5088, Lots 126.01,138, 169,182.
2. A fully executed copy of this Agreement shall be filed in the Office of the City Clerk by the Director of Water and Sewer Utilities.
3. No changes shall be made to the terms and conditions of this Agreement without prior Municipal Council approval.
4. No municipal funds are required or will be spent under this Agreement or for this Project.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into a permanent Easement for Permanent Stormwater and Temporary Access and Construction Easement on improvements to Queen Ditch located on Block 5088, Lots 126.01,138, 169,182. No municipal funds are required or will be spent under this Agreement.

CERTIFIED TO BY ME THIS

AUG 08 2017

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE														
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador				✓	Chaneyfield Jenkins	✓				Quintana	✓			
Gonzalez	✓				McCallum, Jr.	✓				Ramos, Jr.	✓			
James M	✓				Osborne S	✓				Crump, President	✓			
✓ Indicates Vote					AB - Absent					NV - Not Voting				

Adopted at a meeting of the Municipal Council of the City of Newark, N.J.,

AUG 02 2017

Michael C. Crump

President of the Council

R. Crump

016

City Clerk

This Resolution when adopted must remain in the custody of the City Clerk. Certified copies are available.

17-0915