



## Legislation Details (With Text)

**File #:** 14-0340      **Version:** 1      **Name:** Rescinds Easements on Catherine Street  
**Type:** Ordinance      **Status:** Filed  
**File created:** 3/12/2014      **In control:** Engineering  
**On agenda:** 4/2/2014      **Final action:** 5/7/2014  
**Title:** AN ORDINANCE TO RESCIND AND ABANDON WATER AND SEWER UTILITY EASEMENTS IN VACATED CATHERINE STREET BETWEEN ALBERT AVENUE AND LISTER AVENUE.

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/7/2014	1	Municipal Council	Close on Public Hearing and Adopt	Pass
4/16/2014	1	Municipal Council	Adopt on First Reading	Pass
4/2/2014	1	Municipal Council	Advance to First Reading	Pass

### **AN ORDINANCE TO RESCIND AND ABANDON WATER AND SEWER UTILITY EASEMENTS IN VACATED CATHERINE STREET BETWEEN ALBERT AVENUE AND LISTER AVENUE.**

**WHEREAS**, Catherine Street was vacated as a public right-of-way between Euclid Avenue and Lister Avenue upon the adoption of an Ordinance by the City of Newark Board of Commissioners on November, 19, 1941, a copy of which is attached hereto; and

**WHEREAS**, the City of Newark therein retained a 12- foot wide easement for water and sewer utilities in Catherine Street between Albert Avenue and Lister Avenue; and

**WHEREAS**, the Department of Water and Sewer Utilities no longer requires the water and sewer utility easements; and

**WHEREAS**, the property owner, Newark Farmers Market Urban Renewal LLC, has agreed to assume all costs related to this rescinding and abandonment of the water and sewer easement, in particular, including the cost of relocating a certain fire hydrant from the southwest corner of Catherine Street and Lister Avenue to a position and location identified by the City of Newark.

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

**Section 1.** The water and sewer utility easements retained in the Catherine Street street vacation referenced in the Ordinance adopted November 19, 1941 are hereby rescinded and abandoned.

**Section 2.** Any and all water and sewer utilities that may be found within the easement along Catherine Street shall be abandoned at the sole cost and expense of Newark Farmers Market Urban Renewal LLC, the property owner making this request. All is as shown on a map filed in the Office of the City Clerk, along with the Ordinance vacating Catherine Street, adopted by the Board of

Commissioners of the City of Newark, on November 19, 1941, which map is hereto attached and made a part hereof.

**Section 3.** No other utility easements are retained upon the abandonment of the Water and Sewer Utility Easements, excluding any easements , rights or privileges of public utilities as defined in R.S. 48:2-13 and by any cable television company as defined in the Cable Television Act, P.L. 1971, c. 186.

**Section 4.** Any and all fees associated with the consideration and /or completion of the utility easement abandonment request is to be paid by the property owner(s), Newark Farmers Market Urban Renewal LLC, who makes this request. These expenses include but are not limited to engineering fees, attorney fees, survey fees, publication and mailing expenses and recording fees.

**Section 5.** This rescission and abandonment is made subject to the obligation and agreement of the property owner, Newark Farmers Market Urban Renewal LLC, paying any and all costs associated with the relocating of a certain fire hydrant from the southwest corner of Catherine Street and Lister Avenue to a position and location identified by the City of Newark.

**Section 6.** All publication and notice requirements of this ordinance are subject to N.J.S.A. 40:49-6.

**Section 7.** This Ordinance is adopted under and by virtue of the provisions of N.J.S.A. 40:67-1(b).

**Section 8.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

#### **STATEMENT**

This Ordinance rescinds and abandons the water and sewer utility easements in the vacated Catherine Street between Albert Avenue and Lister Avenue.