



Legislation Details (With Text)

**File #:** 18-1796      **Version:** 1      **Name:** Vacation of Passaic Place  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 3/1/2019      **In control:** Engineering  
**On agenda:** 7/2/2019      **Final action:** 9/5/2019  
**Title:** AN ORDINANCE PROVIDING FOR THE VACATION OF THE ENTIRETY OF PASSAIC PLACE;  
PURSUANT TO N.J.S.A. 40:67-1 et seq. (CENTRAL WARD)  
Deferred 8a (s) 070219  
**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/5/2019	1	Municipal Council	Close on Public Hearing and Adopt	Pass
8/7/2019	1	Municipal Council	Adopt on First Reading	Pass
7/10/2019	1	Municipal Council	Advance to First Reading	Pass
7/2/2019	1	Municipal Council	Defer on Communications	Pass

**AN ORDINANCE PROVIDING FOR THE VACATION OF THE ENTIRETY OF PASSAIC PLACE;  
PURSUANT TO N.J.S.A. 40:67-1 et seq. (CENTRAL WARD)  
Deferred 8a (s) 070219**

**WHEREAS**, Passaic Place is a public street in the City of Newark (the “City”), as indicated on Exhibit A attached hereto, which has not been in use for a number of years; and

**WHEREAS**, N.J.S.A. 40:67-1, et seq. authorizes the Municipal Council of the City of Newark to vacate any public street, highway, lane or ally; and

**WHEREAS**, Passaic Place is required to be vacated in its entirety for the construction and development of Riverfront Park, adjacent to the Passaic River; and

**WHEREAS**, pursuant to the redevelopment agreement entered into between the City of Newark and Newark Waterfront Associates, LLC, dated December 19, 2017, and attached hereto as Exhibit B, the City has agreed to vacate Passaic Place to allow for the construction of the redevelopment project; and

**WHEREAS**, the Central Planning Board at its regular hearing on December 3, 2018, after considering the evidence presented by the Board Planner, determined that Passaic Place should be vacated and released from dedication of land for a public street and public rights in accordance with N.J.S.A. 40:67-1 et seq.

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

**Section 1.** Passaic Place in its entirety, as laid out 50 feet in width as shown on the Map of the Commissioners, shall be vacated as a public street or right-of-way reserving and excepting any and all rights and privileges possessed by the City of Newark and, for so long as they continue to exist at this location, the rights of any 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. 1972 c.186 with the right of entry and easement for the entire length and total width of said portion of the public street to be vacated for the purpose of accomplishing the removal, relocation, relaying, rebuilding, reconstructing, or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances, now laid or to be laid, within the above described public street to be vacated. Any and all such easement rights and privileges shall continue until such time when the easement reservation is no longer needed due to the proposed relocation, removal and/or abandonment of any and all existing utilities and said easement rights and privileges are terminated and extinguished.

All is as shown on a map prepared under the direction of this Council, which map is hereto attached and made a part hereof, and a copy of which map, known and designated as Map A-1622, 1888V, dated November 20, 2018, is on file in the Office of the Director, Department of Engineering.

**Section 2.** Passaic Place, as indicated on Exhibit A attached hereto, is hereby vacated and released from dedication of land for a public street and public rights in accordance with N.J.S.A. 40:67-1 et seq.

**Section 3.** By vacating Passaic Place as a public street, the City shall quit claim any and all rights (with the exception of the rights stipulated in Section 1 above), title and interest in the bed and vacated right of way of Passaic Place to the owners of the adjoining parcels.

**Section 4.** Any and all fees associated with the consideration and/or completions of the public right-of-way vacation request are to be paid by the redeveloper. These expenses include but are not limited to engineering fees, attorney fees, survey fees, publication and mailing expenses, recording fees and tax map revision fees.

**Section 5:** Within sixty (60) days after the adoption of this Ordinance, the City Clerk shall cause this Ordinance to be filed with the Essex County Register of Deeds and Mortgages.

**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) and N.J.S.A. 40A:12A-10.

**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 vacates Passaic Place within the City of Newark, New Jersey, in its entirety.