



Legislation Details (With Text)

File #: 21-1598 **Version:** 1 **Name:** Ordinance Vacating Commerce Street
Type: Ordinance **Status:** Adopted
File created: 10/28/2021 **In control:** Engineering
On agenda: 11/4/2021 **Final action:** 11/15/2021
Title: AN ORDINANCE PROVIDING FOR THE VACATION OF THE ENTIRETY OF COMMERCE STREET BETWEEN RAYMOND PLAZA EAST AND MARKET STREET, PURSUANT TO N.J.S.A. 40:67-1 ET SEQ. AND IN ACCORDANCE WITH ORDINANCE 6PSF-e ADOPTED ON APRIL 21, 2021. (EAST WARD)
Sponsors: Council of the Whole
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Date	Ver.	Action By	Action	Result
11/15/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
11/4/2021	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

AN ORDINANCE PROVIDING FOR THE VACATION OF THE ENTIRETY OF COMMERCE STREET BETWEEN RAYMOND PLAZA EAST AND MARKET STREET, PURSUANT TO N.J.S.A. 40:67-1 ET SEQ. AND IN ACCORDANCE WITH ORDINANCE 6PSF-e ADOPTED ON APRIL 21, 2021. (EAST WARD)

WHEREAS, Commerce Street is a public street in the City of Newark (the “City”), as indicated on Exhibit A attached hereto, a portion of which is bounded on the northwest by Raymond Plaza East, on the northeast by property owned by Raymond Newark Properties, LP, an affiliate of Station Plaza Newark Downtown Core Urban Renewal Company, LLC (“Station Plaza”), to the southwest by Market Street, and to the southeast by Mother Cabrini Park, a City-owned park; and

WHEREAS, on April 21, 2021, the Municipal Council, adopted Ordinance 6PSF-e, authorizing the execution of a land exchange agreement (the “Exchange Agreement”), with Station Plaza which ordinance anticipated the vacation of the entirety of the Commerce Street right-of-way between Raymond Plaza East and Market Street, as described herein, together with a portion of the Commercial Street right of way and the transfer of the same to Station Plaza in return for, among other things, a payment of Five-Hundred Two Hundred Thousand Dollars And No Cents (\$5,200,000), to assist in the construction of a homeless shelter, and in exchange for a portion of Station Plaza’s property abutting the Passaic River to assist in the development of a waterfront park pursuant to the “Newark’s River: Public Access and Redevelopment Plan”, enacted by Ordinance 6PSF-1 adopted on August 7, 2013, as amended through Ordinance 6PSF-a(s) adopted on October 17, 2017 (and as may be further amended from time to time); and

WHEREAS, the Exchange Agreement provides for the City’s transfer of that portion of the vacated Commerce Street right-of-way abutting Mother Cabrini Park to Station Plaza; and

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

WHEREAS, the Central Planning Board at its regular hearing on November 1, 2021, after considering the evidence presented by the Board Planner, determined that the entirety of Commerce Street between Raymond Plaza East and Market Street, as illustrated on Exhibit A attached hereto, 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. The entirety of Commerce Street located between Raymond Plaza East and Market Street, as laid out and as shown on Commissioner's Map, Sheet 14 and on Exhibit A attached hereto, 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, in accordance with applicable law, 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 as is shown on a map prepared under the direction of the Municipal Council, which map is hereto attached as Exhibit A and made a part hereof, and a copy of which map, known and designated as Contract #A-1623, Plan #1889V, dated September 28, 2021, is on file in the office of the Director of the Department of Engineering.

Section 2. The entirety of Commerce Street located between Raymond Plaza East and Market Street, 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 the entirety of Commerce Street located between Raymond Plaza East and Market Street as a public street or right-of-way, the City hereby quit claims 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 Commerce Street to Raymond Newark Properties, LP, the owner of the adjoining parcels, Block 179, Lots 42, 45, 47, and 48.

Section 4. That portion of vacated Commerce Street that shall remain titled in the City, as owner of the adjoining property to the southwest (Mother Cabrini Park), shall be transferred and conveyed to Raymond Newark Properties, LP upon the closing and transfer of properties as contemplated in the Exchange Agreement.

Section 5. Any and all fees associated with the consideration and/or completions of the public right-of-way vacation request are to be paid by Station Plaza. 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 6. 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 7. All publication and notice requirements of this ordinance are subject to N.J.S.A. 40:49-6.

Section 8. 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 9. 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 that portion of Commerce Street located between Raymond Plaza East and Market Street within the City of Newark, New Jersey, and authorizes: (1) the transfer of that portion of vacated Commerce Street that reverts to the City as owner of the adjoining City park, Mother Cabrini Park, to Raymond Newark Properties, LP; and (2) quit claims any and all rights, title and interest in the bed and vacated right of way of such portion of Commerce Street that reverts to Raymond Newark Properties, LP, as owner of the adjoining parcels known as Block 179, Lots 42, 45, 47, and 48, (with the exception of the rights stipulated in Section 1 above).