



Legislation Details (With Text)

File #: 21-1597 **Version:** 1 **Name:** Ordinance Vacating Commercial 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 A PORTION OF COMMERCIAL STREET COMPRISED OF A (10) FOOT WIDE STRIP OF COMMERCIAL STREET AS LAID OUT APPROXIMATELY (241.5') FEET IN LENGTH, AND BEGINNING AT A POINT AT THE NORTHWESTERLY CORNER OF COMMERCIAL STREET AND RAYMOND PLAZA EAST AND RUNNING IN A SOUTHEASTERLY DIRECTION ALONG THE EXISTING RIGHT OF WAY LINE ADJACENT TO PROPERTY KNOWN AS AND LOCATED ON TH EOFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 169.01, LOTS 60 AND 70, CURRENTLY OWNED BY COMMERCIAL STREET PROPERTIES, LP, CONSISTING OF APPROXIMATELY 2,411 SQUARE FEET, 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: Augusto Amador, Carlos M. Gonzalez

Indexes:

Code sections:

| 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 A PORTION OF COMMERCIAL STREET COMPRISED OF A (10) FOOT WIDE STRIP OF COMMERCIAL STREET AS LAID OUT APPROXIMATELY (241.5') FEET IN LENGTH, AND BEGINNING AT A POINT AT THE NORTHWESTERLY CORNER OF COMMERCIAL STREET AND RAYMOND PLAZA EAST AND RUNNING IN A SOUTHEASTERLY DIRECTION ALONG THE EXISTING RIGHT OF WAY LINE ADJACENT TO PROPERTY KNOWN AS AND LOCATED ON TH EOFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 169.01, LOTS 60 AND 70, CURRENTLY OWNED BY COMMERCIAL STREET PROPERTIES, LP, CONSISTING OF APPROXIMATELY 2,411 SQUARE FEET, 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, Commercial Street is a public street in the City of Newark (the "City"), as indicated on Exhibit A attached hereto, which is bounded on the northwest by Raymond Plaza East and on the northeast by property owned by Commercial Street Properties, LP, an affiliate of Station Plaza Newark Downtown Core Urban Renewal Company, LLC ("Station Plaza"); 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 a portion of the Commercial Street right of way, as described herein, together with the entirety of the Commerce Street right-of-way located between Raymond Plaza East and Market Street and the transfer of the same to Station Plaza in return for, among other

things, a payment of Five Million Two Hundred Thousand Dollars and Zero 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, 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 portion of Commercial Street described herein and 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. That portion of Commercial Street located adjacent to and extending for a width of ten (10) feet from Tax Block 169.01, Lots 60 and 70, 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. That portion of Commercial Street described herein and 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 such portion of Commercial Street as a public street or right-of-way, the City hereby quitclaims 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 such portion of Commercial Street to Commercial Street Properties, LP, the owner of the adjoining parcels Block 169.01, Lots 60 and 70.

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 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 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 a portion of Commercial Street within the City of Newark, New Jersey and 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 such portion of Commercial Street to Commercial Street Properties, LP, the owner of the adjoining parcels.