



Legislation Details (With Text)

File #: 20-0261 **Version:** 1 **Name:** Ordinance authorizing Port Authority to acquire properties for Port Street Corridor Project, authorize the City to accept properties, and authorize City to execute license and utility agreements.

Type: Ordinance **Status:** Mayor's Office

File created: 2/13/2020 **In control:** Economic and Housing Development

On agenda: 2/25/2020 **Final action:** 3/10/2020

Title: AN ORDINANCE AUTHORIZING THE FOLLOWING FOR THE PORT STREET CORRIDOR IMPROVEMENTS PROJECT: (1) THE CITY OF NEWARK AUTHORIZES THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY THE RIGHT TO ACQUIRE BY CONDEMNATION PARCELS A1-A7 SET FORTH IN DRAWING NUMBER REF01, OF EXHIBIT A OF THE TWENTY- FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF NEWARK AND THE PORT AUTHORITY; (2) UPON ACQUISITION AND COMPLETION OF CONSTRUCTION BY THE PORT AUTHORITY FOR THE PORT STREET CORRIDOR, THE CITY IS AUTHORIZED TO ACCEPT PARCELS A1-A7 SET FORTH IN DRAWING NUMBER REF01 IN A CONVEYANCE FROM THE PORT AUTHORITY TO THE CITY OF NEWARK; AND (3) THE CITY IS AUTHORIZED TO EXECUTE THE ATTACHED LICENSE AGREEMENT AND THE UTILITY AGREEMENT.
Deferred 6PSF-e 030420

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/10/2020	1	Municipal Council	Close on Public Hearing and Adopt	Pass
3/4/2020	1	Municipal Council	maintained on public hearing and deferred to Special meeting	Pass
2/25/2020	1	Municipal Council	Advance to First Reading	Pass
2/25/2020	1	Municipal Council	reconsider	Pass
2/25/2020	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AUTHORIZING THE FOLLOWING FOR THE PORT STREET CORRIDOR IMPROVEMENTS PROJECT: (1) THE CITY OF NEWARK AUTHORIZES THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY THE RIGHT TO ACQUIRE BY CONDEMNATION PARCELS A1-A7 SET FORTH IN DRAWING NUMBER REF01, OF EXHIBIT A OF THE TWENTY- FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF NEWARK AND THE PORT AUTHORITY; (2) UPON ACQUISITION AND COMPLETION OF CONSTRUCTION BY THE PORT AUTHORITY FOR THE PORT STREET CORRIDOR, THE CITY IS AUTHORIZED TO ACCEPT PARCELS A1-A7 SET FORTH IN DRAWING NUMBER REF01 IN A CONVEYANCE FROM THE PORT AUTHORITY TO THE CITY OF NEWARK; AND (3) THE CITY IS AUTHORIZED TO EXECUTE THE ATTACHED LICENSE AGREEMENT AND THE UTILITY AGREEMENT.
Deferred 6PSF-e 030420**

WHEREAS, the Port Authority of New York and New Jersey (the "Port Authority"), a body corporate and politic formed by Compact between the States of New York and New Jersey with the

consent of the Congress of the United States, having its principal office at World Trade Center, 150 Greenwich Street, New York, New York 10007, and the City of Newark, New Jersey (the “City”), 920 Broad Street, Newark, New Jersey 07102, wish to enter into a License Agreement (the “License Agreement”) attached hereto as Exhibit A; and

WHEREAS, N.J.S.A. 40:67-1, et seq., authorizes the Governing Body of municipalities to establish public streets, highways, or lanes within the municipality; and

WHEREAS, pursuant to the License Agreement the Port Authority proposes to perform the following: (i) widening and realigning Port Street to maintain and separate with concrete barrier two continuous lanes for eastbound and westbound traffic and to provide for more limited and controlled left turns from Port Street, (ii) relocating and realigning Outer Port Street and Inner Port Street connections to Port Street to accommodate roadway geometry changes to increase vehicular safety, (iii) removing, relocating and replacing at-grade railroad highway crossings and associated automated highway control warning devices for the FAPS Lead Track in order to accommodate installation of a new traffic signalization and improvements to the intersection of Port Street and Marlin Street, and (iv) replacement of the traffic signals at Port Street and Doremus Avenue with new traffic signals (the above hereinafter collectively referred to as the “Work” or the “Project”) attached hereto as Exhibit B; and

WHEREAS, the City owns the property on Port Street; and

WHEREAS, this Project is the third of three projects under the North Area and Port Street Improvements Program; and

WHEREAS, the limits of the Work generally stretch from the east abutment of the New Jersey Turnpike’s Port Street Bridge to the Port Street and Doremus Avenue intersection; and

WHEREAS, Port Street currently has two through lanes eastbound and westbound that is unseparated by a barrier, allowing vehicles to make unregulated left turns from Port Street, and increases the risk of traffic accidents; and

WHEREAS, the current configuration has resulted in two traffic fatalities in the last ten years; and

WHEREAS, the Project will widen and realign Port Street sufficient to install concrete barrier separation and traffic signal-regulated left turns, realign and improve the geometry of Outer Port Street and Inner Port Street, and includes full depth pavement and mill and pave removal and replacement of flexible pavement, relocation and installation of new roadway lights, drainage improvements, utility relocations, vehicle-regulated railroad at-grade crossings, traffic control devices, signage and landscaping; and

WHEREAS, the primary objective of the Project is to alleviate the safety concerns and geometric constraints along Port Street and to provide a safe and convenient roadway for City and Port Authority Port Newark vehicular traffic; and

WHEREAS, the Project requires acquisition of Properties identified within Exhibit A of the 21st Amendment to the Lease Agreement between the City and the Port Authority identified as Drawing Number REF01, A1-A7 attached hereto as Exhibit E; and

WHEREAS, the Project requires relocation of one (1) existing water line which is owned and operated by the City, as identified on Exhibit C attached hereto (the “Water Line”); and

WHEREAS, the Port Authority has agreed to be solely responsible for all costs and expenses associated with the relocation of the Water Lines within the project in accordance with the Utility Agreement (the “Utility Agreement”) attached hereto as Exhibit D; and

WHEREAS, the City is willing to grant permission to the Port Authority (including any and all of its consultants, contractors, and their respective employees), to enter upon, use and occupy the Premises for the purpose of performing the Work, as further specified herein, subject to the terms, requirements and conditions of the License Agreement and Utility Agreement.

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

Section 1. The Port Authority is authorized to acquire parcels by condemnation identified within Exhibit A of the 21st Amendment to the Lease Agreement between the City of Newark (“City”) and the Port Authority identified as Drawing Number REF01, A1-A7 attached hereto as Exhibit E.

Section 2. The City is authorized to accept the parcels identified as Drawing Number REF01, A1-A7 attached hereto as Exhibit E for conveyance from the Port Authority to the City upon completion of the Port Authority for the Port Street Corridor Improvements Project.

Section 3. The Mayor and/or his designee, the Director of the Department of Economic and Housing Development, are authorized to execute the License Agreement, in substantially the form attached hereto as Exhibit A, between the City of Newark and Port Authority for the Port Street Corridor Improvements Project.

Section 4. The Mayor and/or his designee, the Director of the Department of Economic and Housing Development, are authorized to execute a Utility Agreement, in substantially the form attached hereto as Exhibit D, between the City of Newark and the Port Authority for the Port Street Corridor Improvements Project.

Section 5. The term of the License Agreement and Utility Agreement shall be from the date it is fully executed by all parties until 84 months thereafter, unless sooner terminated revoked or extended as provided therein.

Section 6. There are no municipal funds to be expended for the Port Street and Brewster Road Connector Project.

Section 7. A fully executed copy of the final License Agreement and Utility Agreement shall be filed with the Office of the City Clerk and by the Director of the Department of Economic and Housing Development.

STATEMENT

This Ordinance authorizing the following for the Port Street Corridor Improvements Project: (1) granting the Port Authority the authority to acquire properties set forth in Drawing Number REF01, (2)

upon completion of the Port Street Improvements Project, authorizing the City to accept the parcels of REF01, and (3) authorizing the Mayor and/or his designee, the Director of the Department of Economic and Housing Development, to execute a License Agreement and Utility Agreement between the City of Newark and the Port Authority. No municipal funds to be expended for this Project.