



## Legislation Details (With Text)

**File #:** 23-1112      **Version:** 1      **Name:** Amendment #1 to Adopted Ordinance 6PSF-d(21-1896)  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 7/12/2023      **In control:** Engineering  
**On agenda:** 11/1/2023      **Final action:** 12/6/2023

**Title:** AN ORDINANCE AUTHORIZING THE CITY OF NEWARK, PURSUANT TO THE NEW JERSEY LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-4(a), TO ENTER INTO AND EXECUTE AN AMENDED AGREEMENT TO ACQUIRE A PERMANENT EASEMENT FROM CENTERPOINT RUTHERFORD URBAN RENEWAL, LLC, FOR THE SUM OF \$10.00 FOR THE TEMPORARY CONSTRUCTION AND PERMANENT ACCESS UPON AND ACROSS A PORTION OF PROPERTY LOCATED AT 49 RUTHERFORD STREET AND DESIGNATED AS BLOCK 5050.1, LOT 15 AND BLOCK 5056, LOTS 26 AND 89 IN NEWARK, NEW JERSEY, AS DEPICTED IN A MAP ENTITLED "PERMANENT DRAINAGE EASEMENT PORTIONS OF BLOCK 5050.01, LOT 15" TO CONSTRUCT, RECONSTRUCT, USE, GRADE, CLEAN, REPAIR, REPLACE, INSPECT, OPERATE AND OTHERWISE MAINTAIN IN AN UNOBSTRUCTED CONDITION A SYSTEM OF STORM DRAINAGE PIPE LINES.  
 No Action Taken 6F-d 111323

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/6/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
11/21/2023	1	Municipal Council	Adopt on First Reading	Pass
11/13/2023	1	Municipal Council	No Action Taken	
11/1/2023	1	Municipal Council	Advance to First Reading	Pass

**AN ORDINANCE AUTHORIZING THE CITY OF NEWARK, PURSUANT TO THE NEW JERSEY LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-4(a), TO ENTER INTO AND EXECUTE AN AMENDED AGREEMENT TO ACQUIRE A PERMANENT EASEMENT FROM CENTERPOINT RUTHERFORD URBAN RENEWAL, LLC, FOR THE SUM OF \$10.00 FOR THE TEMPORARY CONSTRUCTION AND PERMANENT ACCESS UPON AND ACROSS A PORTION OF PROPERTY LOCATED AT 49 RUTHERFORD STREET AND DESIGNATED AS BLOCK 5050.1, LOT 15 AND BLOCK 5056, LOTS 26 AND 89 IN NEWARK, NEW JERSEY, AS DEPICTED IN A MAP ENTITLED "PERMANENT DRAINAGE EASEMENT PORTIONS OF BLOCK 5050.01, LOT 15" TO CONSTRUCT, RECONSTRUCT, USE, GRADE, CLEAN, REPAIR, REPLACE, INSPECT, OPERATE AND OTHERWISE MAINTAIN IN AN UNOBSTRUCTED CONDITION A SYSTEM OF STORM DRAINAGE PIPE LINES.**

**No Action Taken 6F-d 111323**

**WHEREAS**, on February 16, 2022, the Municipal Council adopted Ordinance 6PSF-d(AS), allowing the City of Newark, pursuant to the New Jersey Local Lands and Building Law, N.J.S.A. 40A:12-4(a), to acquire a permanent easement from Centerpoint Rutherford Urban Renewal, LLC, for the sum of Ten Dollars (\$10.00), for the temporary construction and permanent access upon and across a portion of property located at 49 Rutherford Street and designated as Block 5050.1, Lot 15

and Block 5056, Lots 26 and 89 in Newark, New Jersey as depicted in a map entitled "Permanent Drainage Easement Portions of Block 5050.01, Lot 15" (attached hereto as Exhibit B) to construct, reconstruct, use, grade, clean, repair, replace, inspect, operate and otherwise maintain in an unobstructed condition a system of storm drainage pipe lines; and

**WHEREAS**, on April 4, 2023, the Department of Engineering provided the Storm Water Drainage Easement Agreement for signature to Grantor, Centerpoint Rutherford Urban Renewal, LLC; and

**WHEREAS**, on May 5, 2023, Centerpoint Rutherford Urban Renewal, LLC, via their representative, requested revisions to the Storm Water Drainage Easement Agreement (the Revised Agreement is made a part hereof and attached hereto), which include, but are not limited to, a correction to Grantor's name, from Centerpoint Rutherford, LLC to Centerpoint Rutherford Urban Renewal, LLC; notice of the Grantor's remediation of the Storm Water Drainage Easement area; and additional debris removal and disposal requirements, among other revisions; and

**WHEREAS**, the Acting Director of the Department of Engineering desires to accept these revisions and execute the Storm Water Drainage Easement Agreement between the City of Newark and Centerpoint Rutherford Urban Renewal, LLC for the permanent easement at the property located at 49 Rutherford Street and designated as Block 5050.1, Lot 15 and Block 5056, Lots 26 and 89 in the City of Newark, New Jersey.

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

**SECTION 1.** The Acting Director of the Department of Engineering is hereby authorized to enter into and execute a revised Storm Water Drainage Easement Agreement, in the form attached hereto, granting a Permanent Non-Exclusive Easement on, over, under, upon, across and through the Property, and is further authorized to execute any and all other documents which may be necessary in order to effectuate the Permanent Easement upon and across the Property all in forms subject to the approval of the City's Corporation Counsel.

**SECTION 2.** The Director of the Department of Finance is hereby authorized to place the consideration of Ten Dollars and Zero Cents (\$10.00) in the Redevelopment Trust Fund.

**SECTION 3.** The Acting Director of the Department of Engineering shall place a copy of the executed Agreement on file in the Office of the City Clerk.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

**STATEMENT**

This Ordinance authorizes the City of Newark, pursuant to the New Jersey "Local Lands and Buildings Law," N.J.S.A. 40A:12-4(a), to enter into and execute a revised agreement for the acquisition of a permanent easement from Centerpoint Rutherford Urban Renewal, LLC, for the property located at 49 Rutherford Street and designated as Block 5050.1, Lot 15 and Block 5056, Lots 26 and 89, in the City of Newark, New Jersey.

