



## Legislation Text

---

File #: 14-0339, Version: 1

---

### **AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF NJRR AVENUE, HUNTER STREET AND EAST ALPINE STREET ON THE MAP OF THE COMMISSIONERS TO LAY OUT STREETS, AVENUES AND SQUARES**

**WHEREAS**, on July 3, 2013 Amtrak sent a letter to the Department of Engineering requesting street vacations for portions of NJ Railroad Avenue, Hunter Street and East Alpine Street, in order to accommodate a new Amtrak maintenance facility; and

**WHEREAS**, the Director of the Department of Engineering had no objections to the street vacation and on February 21, 2014 sent a memorandum to the Central Planning Board referring the matter to their attention for their review and consideration; and

**WHEREAS**, on March 10, 2014 the Central Planning Board held a hearing and passed a resolution recommending the above street vacations to the Newark Municipal Council for further action.

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

**Section 1.** All that portion, part and parcel of:

**NJRR AVENUE**, extending from the southerly line of Earl Street a distance approximately 796 feet southerly to its terminus and laid out 32 feet in width on the Map of the Commissioners to lay out streets, avenues and squares;

**HUNTER STREET**, extending from the Amtrak Railroad right-of-way to the westerly line of Avenue A and laid out 20 feet in width on the Map of the Commissioners to lay out streets, avenues and squares;

**EAST ALPINE STREET**, extending from the westerly line of NJRR Avenue to the westerly line of Avenue A and laid out 60 feet in width on the Map of the Commissioners to lay out streets, avenues and squares;

shall be vacated as public streets or public rights-of-way, reserving and excepting all rights and privileges possessed by the City of Newark and, for so long as they continue to exist at this location, by 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, the right of entry and easement for the entire length and total width of said portion of the public streets or public rights-of-way to be vacated for the purpose of relaying, rebuilding, reconstruction, or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances thereto, now laid or to be laid, within the above

described easement reservation area of said public streets or public rights-of-way to be vacated. The easement rights shall continue until such time that the easement is no longer needed and is extinguished. The erection, construction, or placing of any building, vault, or structure upon or within the above described reservation area which will interfere with the laying, relaying, rebuilding, reconstructing or maintenance of the existing utilities and their appurtenances are prohibited and contrary to this ordinance.

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 No.: A-1616, Plan No.: 1882V, dated 02/21/14, is on file in the Office of the Director, Department of Engineering.

**Section 2.** Title to the vacated portions of NJRR Avenue, Hunter Street and East Alpine Street shall revert back to adjacent property owners as outlined on Vacation Map No.: A-1616, Plan No.: 1882V, dated 02/21/14.

**Section 3.** Any and all fees associated with the consideration and /or completion of the public right-of-way vacation request, are to be paid by the property owner(s) who makes this request. These expenses include but are not limited to engineering fees, attorney fees, survey fees, publication and mailing expenses and recording fees.

**Section 4.** All publication and notice requirements of this ordinance are subject to N.J.S.A. 40:49-6.

**Section 5.** This Ordinance is adopted under and by virtue of the provisions of N.J.S.A. 40:67-1(b).

**Section 6.** 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 NJRR Avenue, Hunter Street and East Alpine Street.