



## Legislation Text

File #: 12-1248, Version: 2

**ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE THE DEPUTY MAYOR/DIRECTOR OF ECONOMIC AND HOUSING DEVELOPMENT TO ENTER INTO AN EASEMENT AGREEMENT WITH HESS NEC, LLC TO GRANT HESS NEC, LLC AN EASEMENT THROUGH CERTAIN PORTIONS OF DELANCY STREET, DOREMUS AVENUE, WILSON AVENUE AND AVENUE P**

**Failed 8a (s) 061212**

**Public Hearing will be held on July 11, 2012 at 6:30 p.m.**

**Deferred 6PSF-a (s) 071112/ PHC**

**WHEREAS**, the City of Newark is the owner of certain land located in the City of Newark, in the County of Essex, in the State of New Jersey, which land is shown and designated as Delancy Street, Doremus Avenue, Willson Avenue and Avenue P, on the current Official Tax Map of the City of Newark (the "Property"); and

**WHEREAS**, the City of Newark has received a request from Hess NEC, LLC, One Hess Plaza, Woodbridge, NJ 07095, to utilize a portion of the Property to facilitate the construction and maintenance of the improvements described in Schedules 1, 2 and 3 attached hereto; and

**WHEREAS**, the parties desire to enter into the attached Easement Agreement whereby the City of Newark will grant Hess NEC, LLC an easement through certain portions of the Property subject to the terms, conditions and limitations set forth in the Easement Agreement attached hereto and incorporated by reference.

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

1. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, is authorized to enter into the attached Easement Agreement with Hess NEC, LLC, One Hess Plaza, Woodbridge, NJ 07095, in order to grant Hess NEC, LLC an easement through certain portions of the Property to construct, install, alter, maintain, use, raise, lower, replace, repair and remove certain cable duct bank or conduit pipe, gas, electric, water, and wastewater lines, as set forth in greater detail in the easement agreement and as shown on Schedules 1, 2 and 3 attached hereto and made a part hereof, for the period of forty (40) years commencing from the date the City of Newark issues a Certificate of Occupancy for the Power Plant, with a right to extend the term of this Easement for an additional twenty-five (25) year term on one year written notice from Grantee to Grantor and upon negotiation of consideration.
2. As consideration for the rights and privileges herein granted by City of Newark, Hess NEC, LLC, has paid to the City of Newark, a one-time fee of Eleven Million (\$11,000,000.00) Dollars.
3. The proposed easement shall run through certain portions of the Property, as more specifically described in Schedules 1, 2 and 3 attached hereto and made a part hereof.
4. Hess NEC, LLC, subject to the approval of the City of Newark Corporation Counsel, shall record the attached Easement Agreement in the Essex County Registrar's Office giving notice of the existence of

the easement created by this Ordinance. This instrument shall be executed on behalf of the City of Newark by the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development and attested to by the City Clerk who shall affix the City Seal thereto. Hess NEC, LLC shall provide a recorded copy to the City Clerk within fourteen (14) days of recording at the County Registrar's Office.

5. A copy of the executed easement agreement shall be placed on file in the Office of the City Clerk by the Director of the Department of Economic and Housing Development.
6. This Resolution shall take effect upon promulgation and passage in accordance with Law.

#### **STATEMENT**

This Ordinance authorizes the Mayor and/or his designee the Deputy Mayor/Director of Economic and Housing Development to enter into an Easement Agreement with Hess NEC, LLC, One Hess Plaza, Woodbridge, NJ 07095, to grant Hess NEC, LLC an easement through certain portions of Delancy Street, Doremus Avenue, Wilson Avenue and Avenue P.