



## Legislation Details (With Text)

**File #:** 13-0078      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Filed  
**File created:** 1/8/2013      **In control:** Water Sewer Utility  
**On agenda:** 4/3/2013      **Final action:** 5/1/2013  
**Title:** ORDINANCE AUTHORIZING ACQUISITION OF EASEMENT RIGHTS IN 103-109 RIVERSIDE AVENUE (BLOCK 725, LOTS 1.01 AND 1.02) FOR SUM OF \$2,500.00 AND AUTHORIZING THE DIRECTOR OR ACTING DIRECTOR OF THE DEPARTMENT OF WATER AND SEWER UTILITIES TO EXECUTE EASEMENT AGREEMENT WITH PROPERTY OWNER

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/1/2013	1	Municipal Council	Close on Public Hearing and Adopt	Pass
4/17/2013	1	Municipal Council	Adopt on First Reading	Pass
4/3/2013	1	Municipal Council	Advance to First Reading	Pass

**ORDINANCE AUTHORIZING ACQUISITION OF EASEMENT RIGHTS IN 103-109 RIVERSIDE AVENUE (BLOCK 725, LOTS 1.01 AND 1.02) FOR SUM OF \$2,500.00 AND AUTHORIZING THE DIRECTOR OR ACTING DIRECTOR OF THE DEPARTMENT OF WATER AND SEWER UTILITIES TO EXECUTE EASEMENT AGREEMENT WITH PROPERTY OWNER**

**WHEREAS**, the City of Newark (the "City") owns and operates a combined sewer system which collects both domestic wastewater and storm water runoff; and

**WHEREAS**, there are numerous combined sewer overflow ("CSO") points located throughout the City which service areas and convey excess wet weather flow from the combined sewer overflow system to the waters of the State; and

**WHEREAS**, in accordance with the New Jersey Pollutant Discharge Elimination System ("NJPDDES"), the New Jersey Department of Environmental Protection has mandated that the City construct fifteen (15) new combined sewer overflow facilities (either netting or screening), of which eleven (11) have been constructed or are under construction, in order to collect floatables and solids which would otherwise enter into the waters of the State (the "CSO Improvements Project"); and

**WHEREAS**, the City's Department of Water and Sewer Utilities originally designed the CSO Improvements Project so that the CSO improvements would be located above-ground and, in doing so, identified the property rights in the City that had to be acquired in order to construct the CSO Improvements Project; and

**WHEREAS**, on January 19, 2005, the Municipal Council of the City of Newark (the "Municipal Council") adopted Ordinance 6PhS&FG 011905 authorizing the Director of the Department of Economic and Housing Development to acquire the property rights determined to be necessary for the CSO Improvements Project as identified within the ordinance by negotiated purchase or eminent domain for the amounts set forth therein; and

**WHEREAS**, the property located at 103-109 Riverside Ave (Block 725, Lots 1.01 and 1.02) (the "Property") was included within Ordinance 6PhS&FG 011905; and

**WHEREAS**, after adoption of Ordinance 6PhS&FG 011905, in response to the concerns of the property owners, the Department of Water and Sewer Utilities redesigned the CSO Improvements Project so that the CSO improvements would be located underground rather than above-ground, thereby reducing the impact of these improvements upon the use of the properties by the property owners and reducing the scope of the property rights that the City needs to acquire in each of these properties; and

**WHEREAS**, as a result of this redesign, the property rights that the City needs to acquire in the Property have changed from those authorized within Ordinance 6PhS&FG 011905; and

**WHEREAS**, the owner of the Property has indicated that it is willing to convey property rights in the Property to the City in exchange for a payment of two thousand five hundred dollars (\$2,500.00); and

**WHEREAS**, the parties have prepared an Easement Agreement which identifies the property rights being acquired by the City in the Property, the consideration being paid by the City to the property owner for the acquisition of such rights, and the other terms and conditions of the easement; and

**WHEREAS**, the Municipal Council wishes to authorize the Director or Acting Director of the Department of Water and Sewer Utilities to acquire easement rights in the Property for consideration of two thousand five hundred dollars (\$2,500.00) and to execute an Easement Agreement with the property owner in the form attached hereto as Exhibit A.

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

1. The Director or Acting Director of the Department of Water and Sewer Utilities is hereby authorized to execute an Easement Agreement in the form attached hereto as Exhibit A in order to acquire easement rights in the property identified on the official tax map of the City as Block 725, Lots 1.01 and 1.02 (as described more fully within the Easement Agreement attached) for the sum of two thousand five hundred dollars (\$2,500.00).

2. A Certification of Funds is attached hereto indicating that there are funds in the amount of \$2,500.00 in Account Number 044 G95 S65Q471 B2001 to acquire the property rights identified herein.

3. When property rights are acquired hereunder, a copy of the recorded Easement Agreement will be filed by the Director or Acting Director of the Department of Water and Sewer Utilities with the office of the City Clerk.

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

### **STATEMENT**

This Ordinance authorizes the acquisition of easement rights in property identified on the official tax map of the City as 103-109 Riverside Ave (Block 725, Lots 1.01 and 1.02) for the sum of \$2,500.00 in order to install and thereafter maintain and operate combined sewer overflow improvements on the property and authorizes the Director or Acting Director of the Department of Water and Sewer Utilities to enter into an Easement Agreement with the property owner in order to acquire such easement rights.