



## Legislation Details (With Text)

**File #:** 21-1050      **Version:** 1      **Name:** Sale of city-owned property located at 2746 NJ 23, Hardyston, NJ to the NJDOT  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 7/14/2021      **In control:** Water Sewer Utility  
**On agenda:** 5/24/2022      **Final action:** 6/21/2022

**Title:** AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF THE PROPERTY AND/OR CERTAIN RIGHTS IN THE PROPERTY OWNED BY THE CITY OF NEWARK LOCATED AT 2746 NEW JERSEY 23, HARDYSTON, NEW JERSEY 07460 AND IDENTIFIED ON THE OFFICIAL TAX MAP OF HARDYSTON TOWNSHIP, AS BLOCK 36, LOT 56 (DESIGNATED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, AS PARCEL 60A AND PARCEL 60B) TO THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, FOR THE SUM OF \$5,915.00.

Public Hearing to be held June 21, 2022.  
Deferred 6PSF-j 060222

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/21/2022	1	Municipal Council	Close on Public Hearing and Adopt	Pass
6/2/2022	1	Municipal Council	maintained on public hearing and deferred to Special meeting	Pass
5/24/2022	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF THE PROPERTY AND/OR CERTAIN RIGHTS IN THE PROPERTY OWNED BY THE CITY OF NEWARK LOCATED AT 2746 NEW JERSEY 23, HARDYSTON, NEW JERSEY 07460 AND IDENTIFIED ON THE OFFICIAL TAX MAP OF HARDYSTON TOWNSHIP, AS BLOCK 36, LOT 56 (DESIGNATED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, AS PARCEL 60A AND PARCEL 60B) TO THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION, FOR THE SUM OF \$5,915.00.**

**Public Hearing to be held June 21, 2022.**  
**Deferred 6PSF-j 060222**

**WHEREAS**, the City of Newark, through the Department of Water and Sewer Utilities (the "City"), owns real property located at 2746 New Jersey 23, Hardyston, New Jersey 07460 and identified on the Official Tax Map of Hardyston Township, as Block 36, Lot 56 (the "City Property"); and

**WHEREAS**, the State of New Jersey, Department of Transportation (the "NJDOT") has advised the City that the NJDOT intends to undertake a construction project in order to make improvements to Route 23 in and around Hardyston and that it is necessary for the NJDOT to acquire certain rights in the City Property in order to make these improvements; and

**WHEREAS**, specifically, the NJDOT has advised the City that the NJDOT must acquire the

following rights in the City Property: (i) a fee taking of 3,879 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B; (ii) a permanent slope easement of 745 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60 B; and (iii) a construction and maintenance easement of 1,169 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B (collectively, the "City Property Rights"); and

**WHEREAS**, the NJDOT obtained an appraisal determining that the fair market value of the City Property Rights is Five Thousand Nine Hundred Fifteen Dollars and Zero Cents (\$5,915.00) and served this appraisal upon the City; and

**WHEREAS**, the NJDOT also provided the City with a letter offering to acquire the City Property Rights from the City for the sum of Five Thousand Nine Hundred Fifteen Dollars and Zero Cents (\$5,915.00) (the appraised value of these rights) and wants to acquire City Property in accordance with the Eminent Domain Act; and

**WHEREAS**, the City has determined that it is in the public interest to accept the NJDOT's offer to acquire the City Property Rights for the sum of Five Thousand Nine Hundred Fifteen Dollars and Zero Cents (\$5,915.00); and

**WHEREAS**, the Municipal Council wishes to authorize the Mayor of the City of Newark and the Director of the Department of Water and Sewer Utilities to enter into and execute an Agreement of Sale with the NJDOT regarding the conveyance of the City Property Rights and to authorize the Director of the Department of Water and Sewer Utilities to thereafter execute any and all legal documents necessary to effectuate the sale and conveyance of the City Property Rights from the City to the NJDOT.

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

1. The Municipal Council hereby authorizes the sale of the following rights in real property owned by the City located at 2746 New Jersey 23, Hardyston, New Jersey 07460 and identified on the Official Tax Map of Hardyston Township, as Block 36, Lot 56 (Designated by NJDOT as Parcel 60A and Parcel 60B) to the State of New Jersey, Department of Transportation (the "NJDOT") for the sum of Five Thousand Nine Hundred Fifteen Dollars and Zero Cents (\$5,915.00): (i) a fee taking of 3,879 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B; (ii) a permanent slope easement of 745 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B; and (iii) a construction and maintenance easement of 1,169 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B (collectively, the "City Property Rights").
2. The Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, are hereby authorized to enter into execute an Agreement of Sale with the NJDOT, in the form attached hereto, regarding the conveyance of the City Property Rights from the City to the NJDOT.
3. The Director of the Department of Water and Sewer Utilities is hereby authorized to enter into and execute any and all legal documents necessary to effectuate the sale and conveyance of the City Property Rights from the City to the NJDOT, so long as the form of all such documents

is approved by Corporation Counsel.

4. A copy of this Ordinance and any agreements authorized herein shall be placed on file with the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.
5. 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 sale of the following rights in real property owned by the City located at 2746 New Jersey 23, Hardyston, New Jersey 07460 and identified on the Official Tax Map of Hardyston Township, as Block 36, Lot 56 to the State of New Jersey, Department of Transportation for the sum of \$5,915.00: (i) a fee taking of 3879 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B; (ii) a permanent slope easement of 745 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B; and (iii) a construction and maintenance easement of 1,169 square feet as shown on the Parcel Maps for Parcel 60A and Parcel 60B. This Ordinance also authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute an Agreement of Sale with the NJDOT regarding the conveyance of the City Property Rights and authorizes the Director of the Department of Water and Sewer Utilities to execute any and all legal documents necessary to effectuate the sale and conveyance of the City Property Rights from the City to the NJDOT so long as the form of all such documents is approved by Corporation Counsel.