



Legislation Details (With Text)

**File #:** 22-1418      **Version:** 1      **Name:** Ordinance: Gate 1 Foundation Easement Agreement, Map and Plan - Passaic Valley Sewerage Commission

**Type:** Ordinance      **Status:** Adopted

**File created:** 9/30/2022      **In control:** Engineering

**On agenda:** 11/2/2022      **Final action:** 12/7/2022

**Title:** AN ORDINANCE APPROVING THE CONVEYANCE OF A PERMANENT EASEMENT OVER CITY-HELD PUBLIC RIGHT-OF-WAY AS INDICATED ON THE GATE 1 FOUNDATION EASEMENT AGREEMENT AND MAP ENTITLED "GATE 1 FOUNDATION EASEMENT PLAN" TO PASSAIC VALLEY SEWERAGE COMMISSION, PURSUANT TO N.J.S.A. 40A:12-13(b)(4), FOR THE SUM OF \$10.00, ON AVENUE P IN NEWARK, NEW JERSEY.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/7/2022	1	Municipal Council	Closed on Public Hearing and Adopted	Pass
11/14/2022	1	Municipal Council	Adopted on First Reading	Pass
11/2/2022	1	Municipal Council	Advanced to First Reading	Pass

**AN ORDINANCE APPROVING THE CONVEYANCE OF A PERMANENT EASEMENT OVER CITY-HELD PUBLIC RIGHT-OF-WAY AS INDICATED ON THE GATE 1 FOUNDATION EASEMENT AGREEMENT AND MAP ENTITLED "GATE 1 FOUNDATION EASEMENT PLAN" TO PASSAIC VALLEY SEWERAGE COMMISSION, PURSUANT TO N.J.S.A. 40A:12-13(b)(4), FOR THE SUM OF \$10.00, ON AVENUE P IN NEWARK, NEW JERSEY.**

**WHEREAS**, the City of Newark (the "City") is the owner of public rights located on Avenue P described on Exhibit A, "Description of a Proposed Permanent Foundation Easement, City of Newark, Essex County, New Jersey" (the "Property"); and

**WHEREAS**, the Passaic Valley Sewerage Commission (the "PVSC") seeks to acquire an easement on a portion of the Property for the construction of changes to Gate 1 servicing PVSC property along Avenue P; and

**WHEREAS**, the City has negotiated the Gate 1 Foundation Easement Agreement (the "Agreement") with PVSC, outlining the terms of purchase of the Property; and

**WHEREAS**, the Agreement provides for a Permanent Easement on the Property, as described on the Metes and Bounds Description, Exhibit A, known as "Description of a Proposed Permanent Foundation Easement, City of Newark, Essex County, New Jersey", and the Map entitled "Gate 1 Foundation Easement Plan"; and

**WHEREAS**, the City has determined that the Easement Portion of Avenue P Right-of-Way is

no longer needed for public use; and

**WHEREAS**, pursuant to Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(4), the City is authorized to convey property that is not needed for municipal purposes without public bidding; and

**WHEREAS**, PVSC desires to acquire the easement on the Property from the City for planned construction and as such is being acquired by PVSC in accordance with the value of Ten Dollar and Zero Cents (\$10.00), pursuant to N.J.S.A. 40A:12-13(b)(4).

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

**SECTION 1.** The City of Newark hereby authorizes that a Permanent Easement on a portion of City-owned property as described on the Metes and Bounds Description on Exhibit A, "Description of a Proposed Permanent Foundation Easement, City of Newark, Essex County, New Jersey" and Map entitled "Gate 1 Foundation Easement Plan", collectively "Easement Portion", be granted to the Passaic Valley Sewerage Commission for the consideration of Ten Dollars and Zero Cents (\$10.00), pursuant to N.J.S.A. 40A:12-13(b)(4).

**SECTION 2.** The Acting Director of the Department of Engineering is hereby authorized to enter into and execute the "Gate 1 Foundation Easement Agreement, in the form attached hereto, granting a Permanent Easement on the Easement Portion of the City Right-of-Way, any and all other documents, which may be necessary, in order to effectuate the Permanent Easement on the above property all in forms subject to the approval of the City's Corporation Counsel.

**SECTION 3.** 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 4.** 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 along with this Ordinance.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

Ordinance allowing the City of Newark to convey a Permanent Easement, on a portion of City-owned public rights, not needed for public use, located on Avenue P as described on Exhibit A to the Passaic Valley Sewerage Commission, for the value of \$10.00, pursuant to N.J.S.A. 40A:12-13(b)(4).