



Legislation Text

File #: 14-1820, Version: 2

AN ORDINANCE PROVIDING FOR THE VACATION OF WEST PARK STREET, EXTENDING FROM THE WESTERLY RIGHT-OF-WAY LINE OF BROAD STREET TO THE EASTERLY RIGHT-OF-WAY LINE OF HALSEY STREET, AND LAID OUT 50 FEET IN WIDTH ON THE MAP OF THE COMMISSIONERS TO LAY OUT STREETS, AVENUES AND SQUARES.

Sponsors: Crump/ Chaneyfield Jenkins

Deferred 6PSF-e 111714

Deferred 6PSF-a 120314

WHEREAS, The Prudential Insurance Company of America ("Prudential") and/or its subsidiaries or affiliates, is the owner of property designated as Block 51, Lot 2 on the Tax Map of the City of Newark with a street address of 635-677 Broad Street (Block 51 in its entirety); and property designated as Block 52, Lot 4 on the Tax Map of the City of Newark with a street address of 679-705 Broad Street (Block 52 in its entirety) (collectively referred to as the "Property"), which Property is located along the entire length of West Park Street, extending from the westerly right-of-way line of Broad Street to the easterly right-of-way line of Halsey Street, in the City of Newark; and

WHEREAS, for reasons related to security, as well as development purposes related to its redevelopment of the Property pursuant to a Redevelopment Agreement entered into with the City on or about June 26, 2012, Prudential has requested that West Park Street be vacated by the City of Newark; and

WHEREAS, the City of Newark has determined that the public interest will be better served by vacating the street to allow Prudential to control access for security and access reasons to prohibit non-authorized vehicles; and

WHEREAS, the Department of Engineering has no objections to the street vacation.

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 West Park Street, extending from the westerly right-of-way line of Broad Street to the easterly right-of-way line of Halsey Street and laid out 50 feet in width on the Map of the Commissioners to lay out streets, avenues and squares shall be vacated as a public street or public right-of-way, reserving however, to the City of Newark and for so long as they continue to exist at this location, by 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 street or public right-of-way to be vacated for the purpose of relaying, rebuilding, reconstruction, or maintaining their respective water, sewer, electric, gas and cable utilities and appurtenances thereto, now laid or to be laid, within

the above described easement reservation area of said street 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 any existing utility and their appurtenances are prohibited and contrary to this ordinance. Except for emergency repairs, the property owner shall be given 48 hours' notice before doing any work in the utility easement area.

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-1619, 1885V, dated October 27, 2014, is on file in the Office of the Director, Department of Engineering.

Section 2. Title to the vacated West Park Street shall revert back to adjacent property owners as outlined on Map No. A-1619, Plan No. 1885V, dated October 27, 2014. However, shall it be determined by the City of Newark Planning Board that the property to be vacated is owned in fee by the City of Newark, said property shall be sold pursuant to the N.J.S. 40A:12A-8(g) or N.J.S. 40A:12-13 after adoption of this ordinance, pursuant to law.

Section 3. The property owner shall not install any permanent barriers blocking access to the vacated West Park Street for either pedestrians or vehicles. Pedestrians may be precluded from the vacated West Park Street during property owner's special events or emergency situations when there is a threat to property or persons on or in the vicinity of Blocks 51 and 52. Prudential shall control access and prohibit non-authorized vehicles, however, access for emergency vehicles shall be maintained at all times. The property owner shall provide the City forty-eight (48) hours notice of closure of the vacated West Park Street for special events.

Section 4. 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, recording fees and tax map revision fees.

Section 5. All publication and notice requirements of this ordinance are subject to *N.J.S.A. 40:49-6*.

Section 6. This Ordinance is adopted under and by virtue of the provisions of *N.J.S.A. 40:67-1(b)*.

Section 7. 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 West Park Street from the westerly right-of-way line of Broad Street to the easterly right-of-way line of Halsey Street.