

Ordinance of the City of Jersey City, N.J.

File No. Ord. 24-022
Agenda No. 3.3 (1st Reading)
Agenda No. 4.4 (2nd Reading and Final Passage)



AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CERTAIN DEDICATION AGREEMENT AMONG 126-142 MORGAN STREET URBAN RENEWAL, LLC, 134 BAY STREET, LLC, AND THE CITY OF JERSEY CITY DATED MAY 28, 2019 FOR CERTAIN LAND AND IMPROVEMENTS LOCATED WITHIN THE POWERHOUSE ARTS DISTRICT REDEVELOPMENT AREA AT PROVOST STREET BETWEEN BAY STREET AND MORGAN STREET.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, the Powerhouse Arts District Redevelopment Plan requires the owner of property identified on the Tax Map of the Tax Collector of the City of Jersey City as Block 11505, Lot 1 and the owner of property identified on the Tax Map of the Tax Collector of the City of Jersey City as Block 11506, Lot 2.01 to create a public pedestrian plaza in conjunction with the development of those properties; and

WHEREAS, in accordance with the Powerhouse Arts District Redevelopment Plan the public pedestrian plaza is to be created through the development and dedication to the City of Jersey City (the "CITY") of a part of Block 11505, Lot 1 and the re-surfacing and closure (to vehicular traffic) of that part of Provost Street that is directly adjacent to Block 11505, Lot 1 between Bay Street and Morgan Street to create a single public pedestrian plaza; and

WHEREAS, 126-142 Morgan Street Urban Renewal, LLC ("MSUR") is the owner of Block 11505, Lot 1 commonly known as 10 Provost Street in the City of Jersey City including the part which is required to be a part of the public pedestrian plaza (the "East Property"); and

WHEREAS, 134 Bay Street, LLC ("BAY") is the owner of certain improved land identified on the Tax Map of the Tax Collector of the City of Jersey City as Block 11506, Lot 2.01 commonly known as 151 Bay Street in the City of Jersey City, (the "West Property"); and

WHEREAS, Provost Street between Bay Street and Morgan Street is public right of way of the City of Jersey City which is open to pedestrian and vehicular traffic located directly between the East Property and the West Property ("Provost Street"); and


WHEREAS, Ordinance 19-037, adopted on May 8, 2019, authorized the City to execute a Plaza Dedication Agreement with BAY and MSUR; and

WHEREAS, BAY, MSUR, and the CITY entered into the Plaza Dedication Agreement dated May 28, 2019 pertaining to the dedication of the plaza improvements to be made to the East Property and the improvements to be made to Provost Street to prepare it for use as part of a public pedestrian plaza (the "Dedication Agreement"); and


WHEREAS, in 2020, MSUR completed the plaza improvements required for the East Property in compliance with the Dedication Agreement; and

WHEREAS, the City accepted from MSUR, a Deed of Easement Dedicating Certain Land and Improvements (on the East Property) as a Public Plaza dated November 20, 2020 recorded in the Hudson County Register's Office on January 6, 2021 in Deed Book 9529 at Page 1; and

APPROVED AS TO LEGAL FORM



Business Administrator



Corporation Counsel

An Ordinance authorizing an amendment to a certain dedication agreement among 126-142 Morgan Street Urban Renewal, LLC, 134 Bay Street, LLC, and the City of Jersey City dated May 28, 2019 for certain land and improvements located within the Powerhouse Arts District redevelopment area at Provost Street between Bay Street and Morgan Street.

WHEREAS, on April 13, 2021 as memorialized by Resolution P20-164, dated May 18, 2021, the Jersey City Planning Board granted an amended preliminary and final major site plan approval to the West Property authorizing a design change to the theater and the theater staircase proposed on the Provost Street that reduces the number of steps to make it easier and safer for pedestrians to enter and exit the theater (the “Amended West Property Final Site Plan Approval”); and

WHEREAS, Exhibit C of the Plaza Dedication Agreement dated May 28, 2019 includes a depiction of the theater staircase; and

WHEREAS, as result of the design change to the theater staircase it is necessary to amend the Plaza Dedication Agreement to delete Exhibit C thereof and replace it with the Amended Exhibit C which includes an updated Sheet C-2-Site Plan last dated June 1, 2021 and an updated Sheet L-1-Streetscape and Landscape and Lighting Plan last dated June 1, 2021 each of which depict the amended design for the theater steps on Provost Street; and

WHEREAS,BAY and MSUR have completed the improvements on Provost Street in accordance with the Amended West Property Final Site Plan Approval; and

WHEREAS, the City of Jersey City is authorized pursuant to N.J.S.A. 40:67-1 and N.J.S.A. 40A:12-5 to accept the conveyance and dedication of lands for public purposes.

NOW, THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:
The Plaza Dedication Agreement by and among 126-142 Morgan Street Urban Renewal, LLC, 134 Bay Street, LLC and The City of Jersey Citydated May 28, 2019 is hereby amended as follows:

1. Any reference in the Dedication Agreement to Exhibit C is hereby deemed deleted and is replaced with Amended Exhibit C;
2. Sheet C-2 - Site Plan last dated February 8, 2019 and attached to the Dedication Agreement is hereby deemed deleted and replaced with Sheet C-2 - Site Plan last dated June 1, 2021;
3. Sheet L-1- Streetscape and Landscape and Lighting Plan last dated February 8, 2019 and attached to the Dedication Agreement is hereby deemed deleted and replaced with Sheet L-1 - Streetscape and Landscape and Lighting Plan last dated June 1, 2021;
4. The Mayor or the Business Administrator is hereby authorized, subject to review and approval by the City’s Corporation Counsel, to execute the First Amendment to the Dedication Agreement substantially in the form attached hereto and any other documents necessary to effectuate the amendment described herein;
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed;
 - B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code;
 - C. This ordinance shall take effect at the time and in the manner as provided by law; and
 - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

An Ordinance authorizing an amendment to a certain dedication agreement among 126-142 Morgan Street Urban Renewal, LLC, 134 Bay Street, LLC, and the City of Jersey City dated May 28, 2019 for certain land and improvements located within the Powerhouse Arts District redevelopment area at Provost Street between Bay Street and Morgan Street.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Apr 10 2024						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Apr 24 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	


RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Apr 24 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	


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Adopted on first reading of the Council of Jersey City, N.J. on Apr 10 2024
Adopted on second and final reading after hearing on Apr 24 2024


This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on Apr 24 2024



City Clerk



Joyce E. Watterman, President of Council
Approved: Apr 24 2024



Steven M. Fulop, Mayor
Date to Mayor: Apr 25 2024
Approved: Apr 25 2024

An Ordinance authorizing an amendment to a certain dedication agreement among 126-142 Morgan Street Urban Renewal, LLC, 134 Bay Street, LLC, and the City of Jersey City dated May 28, 2019 for certain land and improvements located within the Powerhouse Arts District redevelopment area at Provost Street between Bay Street and Morgan Street.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Tanya Marione, Director of Planning	547-5010	tanyam@jcnj.org
Department	Department of Housing, Economic Development, and Commerce	
Division	Division of Planning	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Apr 10 2024
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Purpose

Authorizes the first amendment to the dedication agreement that affects Provost St. between Bay St. and Morgan St.
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Cost (Identify all sources and amounts)

N/A

Contract term (include all)

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ATTACHMENTS:

1st Amend Agrmt

Approved by
Tanya Marione, Director of Planning
Annisia Cialone, HEDC Director
John McKinney, Attorney
John Metro, Business Administrator

Status:
Approved - Mar 26 2024
Approved - Mar 28 2024
Approved - Mar 28 2024
Approved - Apr 02 2024

FIRST AMENDMENT TO THE PLAZA DEDICATION AGREEMENT

THIS FIRST AMENDMENT TO THE PLAZA DEDICATION AGREEMENT, made and entered into this _____ day of _____, 2024, by and among **134 BAY STREET, LLC (“BAY”)** and **126-142 MORGAN STREET URBAN RENEWAL, LLC, (“MSUR”)** each having an office c/o Toll Bros., 95 Christopher Columbus Drive, Floor 12A, Jersey City, New Jersey 07302, and the **CITY OF JERSEY CITY**, a public body corporate and politic existing under the laws of the State of New Jersey, whose address is c/o Office of City Clerk, 280 Grove Street, Jersey City, New Jersey, 07302 (**“CITY”**).

WITNESSETH:

WHEREAS, MSUR is the owner of certain land and improvements identified on the Tax Map of the Tax Collector of the City of Jersey City, as Block 11505, Lot 1 and commonly known as 10 Provost Street, City of Jersey City, County of Hudson, and State of New Jersey (**“East Property”**); and

WHEREAS, as required by the Powerhouse Arts District Redevelopment Plan and in accordance with the requirements of that certain final major site plan approval granted by the Planning Board of the City of Jersey City, as memorialized by Resolution P08-114.1 dated September 15, 2015 for Block 11505, Lot 1 (formerly known as Block 140, Lots A.1 and B.1) (the **“East Property Final Site Plan Approval”**), MSUR made certain improvements to the East Property to establish thereon a part of a public pedestrian plaza with that certain landscaping, trees, lighting equipment, walkways, curbs, railings, pedestals for the display of public art, and other decorative landscape and hardscape elements (the **“East Property Plaza Improvements”**); and

WHEREAS, pursuant to that certain dedication agreement by and among BAY, MSUR and the CITY dated May 28, 2019 (the **“Dedication Agreement”**) and that certain Deed of

Easement Dedicating Certain Land and Improvements as a Public Plaza dated November 20, 2020 and recorded in the Hudson County Register's Office on January 6, 2021 in Deed Book 9529 at Page 1, MSUR dedicated the East Property Plaza Improvements to the CITY (the "Dedication Deed"); and

WHEREAS, BAY is the owner of certain improved land identified on the Tax Map of the Tax Collector of the City of Jersey City as Block 11506, Lot 2.01 and commonly known as 151 Bay Street (the "West Property"); and

WHEREAS, the West Property is adjacent to that portion of Provost Street that is located between Morgan Street and Bay Street (hereinafter referred to as "Provost Street"); and

WHEREAS, as required by the Powerhouse Arts District Redevelopment Plan and in accordance with the requirements of that certain final major site plan approval granted by the Planning Board of the City of Jersey City, on November 27, 2018 as memorialized by Resolution dated January 8, 2019 the Jersey City Planning Board granted an amended preliminary and final major site plan approval to the West Property and Provost Street to develop the West Property and to prepare the existing cobblestone in Provost Street for use as part of a public pedestrian plaza by removing, repairing, and/or resurfacing it, as needed, to promote safety for the typical pedestrian (the "West Property Final Site Plan Approval"); and

WHEREAS, on April 13, 2021 as memorialized by Resolution P20-164 dated May 18, 2021, the Jersey City Planning Board granted an amended preliminary and final major site plan approval to the West Property and Provost Street authorizing a design change to the theater proposed on the West Property and a design change to Provost Street that reduces the number of steps required for pedestrians to climb on Provost Street to make it easier and safer for pedestrians to enter and exit the theater as depicted on **Exhibit C-1** attached hereto and made a part hereof (the "Amended West Property Final Site Plan Approval"); and

WHEREAS, Exhibit C of the Plaza Dedication Agreement dated May 28, 2019 includes a depiction of the theater staircase; and

WHEREAS, as result of the design change to the theater staircase it is necessary to amend the Plaza Dedication Agreement to delete Exhibit C thereof and replace it with the Amended Exhibit C which includes an updated Seet C-2-Site Plan last dated June 1, 2021 and an updated Sheet L-1-Streetscape and Landscape and Lighting Plan last dated June 1, 2021 each of which depict the amended design for the theater steps on Provost Street; and

WHEREAS, BAY and MSUR have prepared the existing cobblestone on Provost Street for use as a part of a public pedestrian plaza in accordance with the Amended West Property Final Site Plan Approval; and

WHEREAS, the CITY by way of Ordinance _____ adopted on _____, 2024 has agreed to amend the Dedication Agreement dated May 28, 2019, subject to the terms and conditions herein.

NOW, THEREFORE, in consideration of ten (\$10.00) dollars nominal consideration, the mutual promises made by each of the respective parties herein, and such other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties to this Agreement hereby agree to the following terms, covenants and conditions.

1. Any reference in the Dedication Agreement to **Exhibit C** is hereby deemed deleted and is replaced with **Amended Exhibit C** attached hereto and incorporated herein by reference.
2. Sheet C-2 - Site Plan last dated February 8, 2019 and attached to the Dedication Agreement is hereby deemed deleted and replaced with Sheet C-2 - Site Plan last dated June 1, 2021.
3. Sheet L-1- Streetscape and Landscape and Lighting Plan last dated February 8, 2019 and attached to the Dedication Agreement is hereby deemed deleted and replaced with Sheet L-1 - Streetscape and Landscape and Lighting Plan last dated June 1, 2021.
4. In all other respects the Dedication Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

WITNESS:

126-142 MORGAN STREET URBAN RENEWAL, LLC

By:

Name:

Title

WITNESS:

134 BAY STREET, LLC

By:

Name:

Title

ATTEST:

CITY OF JERSEY CITY
a Municipal Corporation

Sean Gallagher
City Clerk

By:

John Metro

Business Administrator

AMENDED EXHIBIT C TO PLAZA DEDICATION AGREEMENT
WEST PROPERTY FINAL SITE PLAN SHOWING
PROVOST STREET IMPROVEMENTS

This Exhibit includes:

Sheet C-2 - Site Plan of ESE Consultants last dated June 1, 2021;

Sheet L-1 - Streetscape and Landscape and Lighting Plan of Melillo & Bauer last dated June 1, 2021.

Note: A complete copy of the Final Site Plans approved for Provost Square 3 last dated June 1, 2021, including the Provost Street Improvements, last signed by the Jersey City Planning Board Chairman on July 24, 2021 is on file in the Jersey City Division of Planning, 1 Jackson Square (AKA 360 MLK Drive), Jersey City, NJ 07305-3717.

