

City Clerk File No. Ord. 16.185
Agenda No. 3 - F 1st Reading
Agenda No. 4.E. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 16.185

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ROSEVILLE AVENUE REDEVELOPMENT URBAN RENEWAL LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF MONTGOMERY STREET AND YORK STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 391-413 MONTGOMERY STREET AND 451-489 MONTGOMERY STREET, JERSEY CITY, NJ

WHEREAS, Roseville Avenue Redevelopment Urban Renewal LLC, having a business address of c/o 6 Faneuil Hall Marketplace, Boston, MA 02109, is the owner of the property located at Block 12606, Lot 1 (*aka* 391-413 Montgomery Street), and Block 13603, Lot 3 (*aka* 451-489 Montgomery Street), on the current tax maps of the City of Jersey City, and more commonly known as Brunswick Estates, and as part of its development desires to make site improvements to a portion of lands located within the sidewalk areas of Montgomery Street and York Street public right-of-way. The proposed development of the property includes the renovation of Brunswick Estates, a 131 unit low and moderate income housing project, including 7 households who benefit from fully ADA compliant apartments; and

WHEREAS, part of the renovation includes the proposed construction of handicap ramps and landings within the Montgomery Street and York Street sidewalk areas of the public right-of-way, which encroachment occurs at four ramps along Montgomery Street and one ramp along York Street; and

WHEREAS, Roseville Avenue Redevelopment Urban Renewal LLC has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is essential for the construction of the handicap ramps for handicap accessibility to the building; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Roseville Avenue Redevelopment Urban Renewal LLC to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the installation of handicap ramps and landings to be located within the sidewalk area of the Montgomery Street and York Street public right-of-way for the purpose of providing handicap accessibility to the building, said encroachment occurs at four ramps along Montgomery Street and one ramp along York Street; and
2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department approved the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this property is situated, and the area requested for the franchise is minimal, and the said improvements will assist in meeting handicap access to the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to Roseville Avenue Redevelopment Urban Renewal LLC, its successors and assigns, to make private improvements to a portion of lands located at Montgomery Street and York Street, in the City of Jersey City, said areas being more particularly described as follows and on the plan attached hereto as Exhibit A (survey and metes and bounds description).

1. The contemplated improvements will include the installation of handicap ramps and landings to be located within the sidewalk area of the Montgomery Street and York Street public right-of-way (see Exhibit A; survey and metes and bounds description); and
2. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Officer and Building Department and there will remain sufficient area in the right-of-way for pedestrian use.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. Roseville Avenue Redevelopment Urban Renewal LLC, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of thirty (30) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Roseville Avenue Redevelopment Urban Renewal LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Roseville Avenue Redevelopment Urban Renewal LLC, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Roseville, Avenue Redevelopment Urban Renewal LLC, its successor and assigns, shall maintain in effect, during the term of this Franchise, \$2,000,000 in general liability insurance or in such amount and type as the City's Risk Manager may reasonably require from time to time (with required liability satisfied by the combination of primary general liability and excess umbrella liability insurance), naming the City of Jersey City, its officers and employees as Additional Insured, covering the use and occupancy of the public property subject to this Franchise Ordinance. A certificate of insurance, in the amount of \$2,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the public property subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X.

- 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 therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect immediately pursuant to *N.J.S.A. 40:69A-181(b)*. The City acknowledges that Roseville Avenue Redevelopment Urban Renewal LLC, is receiving Low Income Housing Tax Credits for the renovation of Brunswick Estates and the project cannot proceed if this Ordinance does not take effect until 20 days after final passage; and therefore, the City hereby waives such 20-day period, as provided for in *N.J.S.A. 40:69A-181(b)*.
- 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.

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

PETITION

**TO: THE HONORABLE MAYOR AND MUNICIPAL COUNCIL OF
THE CITY OF JERSEY CITY:**

Your Petitioner, Roseville Avenue Redevelopment Urban Renewal LLC ("Petitioner"), having a business address of c/o 6 Faneuil Hall Marketplace, Boston, MA 02109, respectfully says that:

1. Petitioner, is the owner of the property located at Block 12606, Lot 1 (aka 391-413 Montgomery Street), and Block 13603, Lot 3 (aka 451-489 Montgomery Street), on the current tax maps of the City of Jersey City (the "Property"). The proposed development of the Property includes the renovation of Brunswick Estates, a 131 unit low and moderate income housing project, including 7 households who benefit from fully ADA compliant apartments.

2. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

A. Part of the renovation of Brunswick Estates includes the proposed construction of handicap ramps and landings within the Montgomery Street and York Street sidewalk areas of the public right-of-way, which encroachment occurs at four ramps along Montgomery Street and one ramp along York Street.

B. All costs associated with these improvements will be incurred by the Petitioner.

3. The contemplated improvements will assist in meeting handicap access to the Property and greatly benefit Jersey City and the surrounding neighborhood; and

4. The Petitioner presented the proposed improvements to the Jersey City Zoning Officer and Building Department, which can approve proposed improvements conditioned upon the Petitioner being granted a franchise ordinance by the City of Jersey City.

5. The contemplated improvements are necessary to construct the proposed development and the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County.

WHEREFORE, your Petitioner respectfully petitions for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way of Montgomery Street and York Street sidewalk areas, all as more particularly shown on the survey annexed hereto and made a part hereof.

By: 

Cecilia I. Lassiter, Esq.
Sills Cummis & Gross, P.C.
o/b/o Roseville Avenue Redevelopment Urban
Renewal, LLC
Attorneys for the Petitioner

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



ORDINANCE NO. _____ Ord. 16.185
TITLE: _____ 3.F NOV 22 2016 4.B

DEC 14 2016

A Franchise Ordinance granting permission to Roseville Avenue Redevelopment Urban Renewal, LLC., its successors and assigns, to make private improvements to a portion of lands within the sidewalk area of Montgomery Street and York Street public right-way located adjacent to 391-413 Montgomery Street and 451-489 Montgomery Street, Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 22 2016 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
DEC 14 2016 8-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

PHIL CARRINGTON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
DEC 14 2016 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 22 2016
Adopted on second and final reading after hearing on DEC 14 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on DEC 14 2016

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr.
Rolando R. Lavarro, Jr., Council President

Date DEC 14 2016

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor

Date DEC 16 2016

Date to Mayor DEC 15 2016