

City Clerk File No. Ord. 09-064

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 89-064

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE VII(TRAFFIC) ARTICLE X(SCHEDULES) AMENDING SCHEDULE 26 (RESTRICTED PARKING ZONES) OF THE JERSEY CITY CODE CREATING ZONE 12 AND DESIGNATING CLENDENNY AVENUE BETWEEN ROUTE 440 AND MALLORY AVENUE AS PART OF THE ON-STREET RESIDENT ONLY PERMIT PARKING PROGRAM FROM MONDAY THROUGH FRIDAY, 8:00 A.M. TO 4:00 P.M.

WHEREAS, there are many Automobile Dealerships surrounding Clendenny Avenue and each have a large client base that park on Clendenny Avenue when visiting the various Showrooms; and

WHEREAS, the Automobile Service Centers for these various Dealerships park the vehicles awaiting repairs or those that are finished being serviced on Clendenny Avenue; and

WHEREAS, a parking problem exists because residents of Clendenny Avenue are unable to find parking on their street, especially between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, due to the increased volume of traffic in the area and due to the many Automobile Dealerships in the neighborhood; and

WHEREAS, due to inadequate parking availability, specifically occurring between 8:00 a.m. and 4:00 p.m., Monday through Friday, area residents, Senior Citizens and those that are accompanied by small children, are forced to park unreasonable distances from their homes thereby enhancing the risk of health and public safety problems for said residents; and

WHEREAS, the large number of vehicles coming into the area and the decreased number of legal parking spaces in the area has resulted in an increase in illegal parking in the area, including but not limited to parking in crosswalks, driveways, in fire zones and double parking; and

WHEREAS, the large volume of traffic in the area increases air pollution and noise pollution as well as other negative effects on the environment.

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter 26 (Vehicles and Traffic) Article VII (Traffic), Article X (Schedules) of the Jersey City Code are hereby adopted.

ARTICLE VII	TRAFFIC
Sec. 26-70	Parking restrictions in residential zones.
(a) Through (g)	No Change

Continued.....
JDS:pcl
(05.08.09)

Sec. 26-96

SCHEDULE 26
RESTRICTED PARKING ZONES

ZONE 1 THROUGH 11

NO CHANGE

ZONE 12

The parking restriction will be in effect for the following street(s), Monday through Friday, 8:00 a.m. to 4:00 p.m.

Clendenny Avenue

Between Route 440 and Mallory Avenue

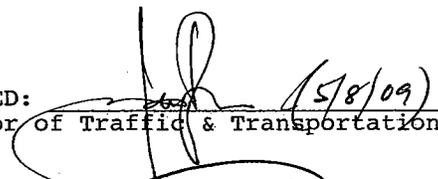
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

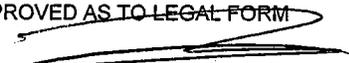
3. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.

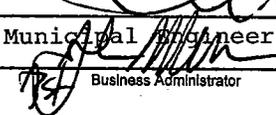
NOTE: All material to be inserted is new and underscored.

JDS:pc1
(05.08.09)

APPROVED:  (5/8/09)
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED:  5/8/09
Municipal Engineer
APPROVED: 
Business Administrator

Certification Required
Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/ resolution/cooperation agreement:

An ordinance supplementing Chapter 26(Vehicles and Traffic) Article VII(Traffic) Article X(Schedules) amending Schedule 26(Restricted Parking Zones) of the Jersey City Code creating Zone 12 and designating Clendenny Avenue between Route 440 and Mallory Avenue as part of the On-Street Resident Only Permit Parking Program from Monday through Friday, 8:00 a.m. to 4:00 p.m.

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designated On-Street Resident Only Permit Parking on Clendenny Avenue from Route 440 to Mallory Avenue, Monday through Friday, 8:00 a.m. to 4:00 p.m.

4. Reasons (need) for the proposed program, project, etc.:

The parking spaces on Clendenny Avenue are being occupied by visitors to either the Automobile Dealerships in the area or the Service/Repair Centers for the dealerships, therefore, leaving little or no parking for the residents of Clendenny Avenue

5. Anticipated benefits to the community:

Increase parking availability for the residents of Clendenny Avenue

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contribution):

Approximately \$200.00 per channel and sign installation.
Utilize existing hardware if possible and install approximately 32 signs
Approximate cost \$3,200.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

Twenty days after adoption of the Ordinance by the Jersey City Municipal Council

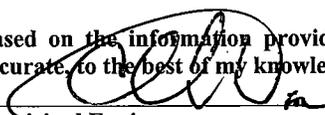
9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, 201.547.4492

10. Additional comments:

Ordinance proposed at the request of Councilman Kenny on behalf of the residents of Clendenny Avenue

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.


Municipal Engineer

5/8/09
Date

Signature of Department Director

Date

John Scerpio	284 Clendenny Ave	John Scerpio
John Magcalas	174 Clendenny	John Magcalas
Kathy Roman	302 Clendenny Ave	Kathy Roman
Jimmy Felix	283 Clendenny Ave	Jimmy Felix
SANDRA SOGRIM	281 Clendenny Ave	Sandra Sogrim
BARBARA RAMNAUTH	281 Clendenny Ave	Barbara Ramnauth
David Smith	256 Clendenny Ave #5	David Smith
STEVE MARDI	264 Clendenny Ave	Steve Mardi
Frank D'Azuzo	247 Clendenny Ave	Frank D'Azuzo
Armando Agosto	247 Clendenny Ave	Armando Agosto
Judith Arcalao	245 Clendenny Ave	JR Arcalao
Bienvenido Arcalao	245 Clendenny Ave	Bienvenido Arcalao
Waseem Ahmed	242 Clendenny Ave	Waseem Ahmed
C. WASIELESKI	227 Clendenny Ave	C. Wasielewski
CITA PERA	248 Clendenny Ave	Cita Pera
Carmen Pera	248 Clendenny Ave	Carmen Pera
Oliver Demree	240 Clendenny Ave	Oliver Demree
Luis E. Echevarria	240 Clendenny Ave	Luis E. Echevarria
HILDA ECHIVARRIA	240 Clendenny Ave	Hilda Echevarria
Vida Silvenio	240 Clendenny Ave	Vida Silvenio
Margaret Silvenio	240 Clendenny Ave	Margaret Silvenio
Geraldina Silvenio	240 Clendenny Ave	Geraldina Silvenio

City Clerk File No. Ord. 09-065

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-065

TITLE: **AN ORDINANCE VACATING A PORTION OF LUDLOW STREET
(BETWEEN NEW STREET AND CATOR AVENUE)**

COUNCIL as a whole, offered and moved for adoption of the following ordinance:

WHEREAS, the New Jersey School Development Authority, a public body corporate and politic, (hereinafter referred to as "NJSDA") has filed a petition with Municipal Council of the City of Jersey City, requesting the vacation of Ludlow Street as shown on the plans prepared by Whitman dated 2/18/09 and revised 2/23/09, and;

WHEREAS, the NJSDA and the City Of Jersey City are the owners of all properties abutting and adjoining the areas being vacated by this Ordinance; and

WHEREAS, said Petition has been duly advertised and proof of the giving of due notice of the Petition requesting enactment of this ordinance as required by law, has been filed with City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto; and

WHEREAS, by reason of the character of the development of the new PS # 20 it is necessary to vacate the areas generally described as Ludlow Street between the southerly line of New Street and the northerly line of Cator Avenue; and

WHEREAS, it is the intent of the Ordinance to vacate all public street rights-of-way within; and

WHEREAS, the public interest will be served by the passage of said ordinance vacating this portion of Ludlow Street, since the development will include a new and expanded PS # 20, improvement of the City's Ralph Taylor Park and increased recreational space for the City and its children; and

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

Section I: Ludlow Street bounded by New Street and Cator Avenue in the City of Jersey City, County of Hudson and State of New Jersey the Public Street rights-of-the way are hereby vacated as described precisely by Metes and Bounds as follows:

Beginning at the intersection of the northerly sideline of Ludlow Street with the Southwesterly sideline of New Street, thence;

1. Along the northerly sideline of Ludlow Street South 47 degrees 45 minutes 20 seconds West a distance of 275.89 feet to a point in the northeasterly sideline of Cator Avenue, thence;
2. Along the northeasterly sideline of Cator Avenue South 33 degrees 02 minutes 04 seconds East a distance of 30.39 feet to a point of intersection with the Southerly sideline of New Street, thence;

AN ORDINANCE VACATING A PORTION OF LUDLOW STREET (BETWEEN NEW STREET AND CATOR AVENUE)

3. Along the Southerly sideline of Ludlow Street, North 47 degrees 45 minutes 20 seconds East a distance of 280.75 feet to a point of intersection with the Southwesterly sideline of New Street, thence;

4. Along the Southwesterly sideline of New Street North 42 degrees 14 minutes 40 seconds West a distance of 30.00 feet to the Point and Place of beginning.

Containing 8,350 square feet.

The foregoing description being in accord with plans dated November 18, 2004 prepared by Whitman, East Brunswick, NJ

Section II: All costs and expenses incidental to the introduction, passage and publication of this ordinance, including preparation and mailing of any and all notices related to this Ordinance upon owners within 200 feet of the area and publication shall be borne and paid by the NJSDA.

Section III: The NJSDA shall file this Ordinance and the Maps with the Register of the County of Hudson within sixty (60) days after the Ordinance becomes effective. Upon the filing with the Register of the County of Hudson, title shall vest in New Jersey School Development Authority as to the proposed new lots in Block 1361,

Section IV: This Ordinance shall be subject to the following:

- 1) In the event the utilities, if any, presently located under the roadways being vacated hereunder, are not moved to another location, an easement in perpetuity 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 (48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas line 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 vacation ordinances.
- 2) No buildings or structures of any kind may be constructed over the water or sewer utilities within this area subject to the easement without the consent of the Chief Engineer of the City of Jersey City.

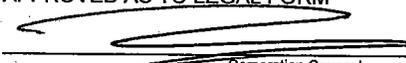
Section V: All Ordnances and parts of Ordinances inconsistent herewith are hereby repealed.

Section VI: 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 codified and incorporated in the official copies of the Jersey City Code.

Section VII: This ordinance shall take effect at the time and in the manner provided by law.

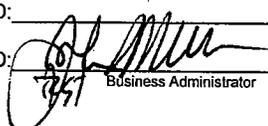
Section VIII: The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repeat of the existing provisions.

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED:

APPROVED:


Business Administrator

Certification Required

Not Required

PETITION

TO THE MUNICIPAL COUNCIL OF JERSEY CITY, NEW JERSEY

The **NEW JERSEY SCHOOL DEVELOPMENT AUTHORITY**, a public body corporate and politic, (hereafter "NJSDA") having its principal office at 1 West State Street, Trenton, New Jersey; respectfully show:

WHEREAS, in order to construct a new and expanded PS # 20 together with associated development of expanded recreational space within Ralph Taylor Park and adjacent parcels, the NJSDA desires to vacate a portion of Ludlow Street between New Street and Cator Avenue, which parcel is more particularly described by metes and bounds description and further shown and depicted on the Road Vacation Map(s) "Schedule A" attached to and made a part of this petition; and

WHEREAS, these streets are located within the City of Jersey City, County of Hudson, State of New Jersey; and

WHEREAS, said NJSDA and/or the City of Jersey City presently own all of the property abutting or fronting the streets proposed for vacation as follows:

Ralph Taylor Park is owned by the City of Jersey City and consists of 6 lots along the western side of Ludlow Avenue. (Lots A1, A3 A4 A5 A6 & A7 on Block 1360.7).

NJSDA owns all of the remaining properties along both sides of Ludlow Street between New Street and Cator Avenue; and

NOW, THEREFORE, the NJSDA request that the Municipal Council of Jersey City adopt the Ordinance which shall ordain the vacation of a portion of Ludlow Street between New Street and Cator Avenue as more precisely described in the metes and bounds description and as more fully depicted on the map attached as Schedule A.

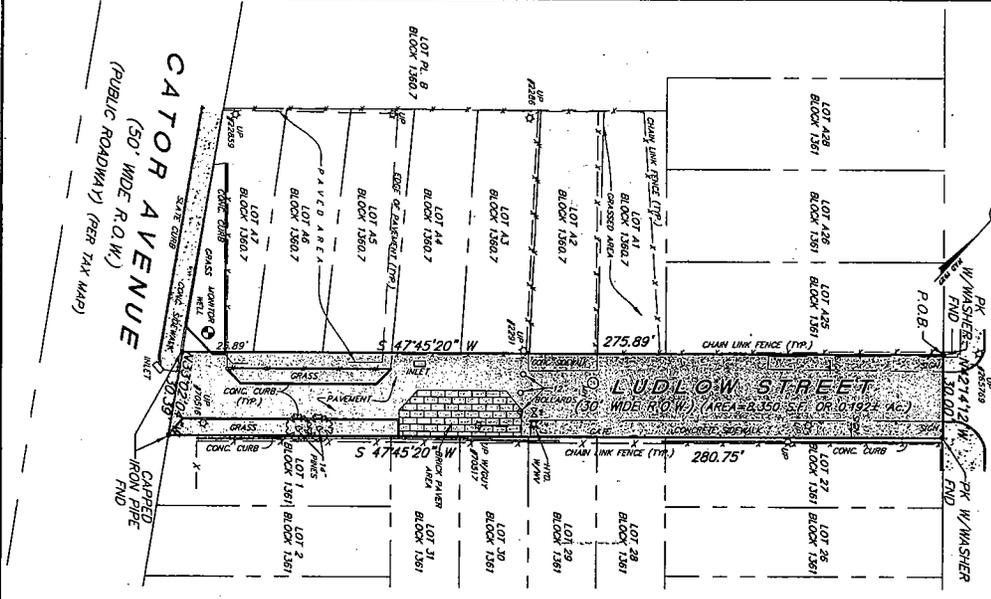


Paul Hamilton
Director, Land Acquisition

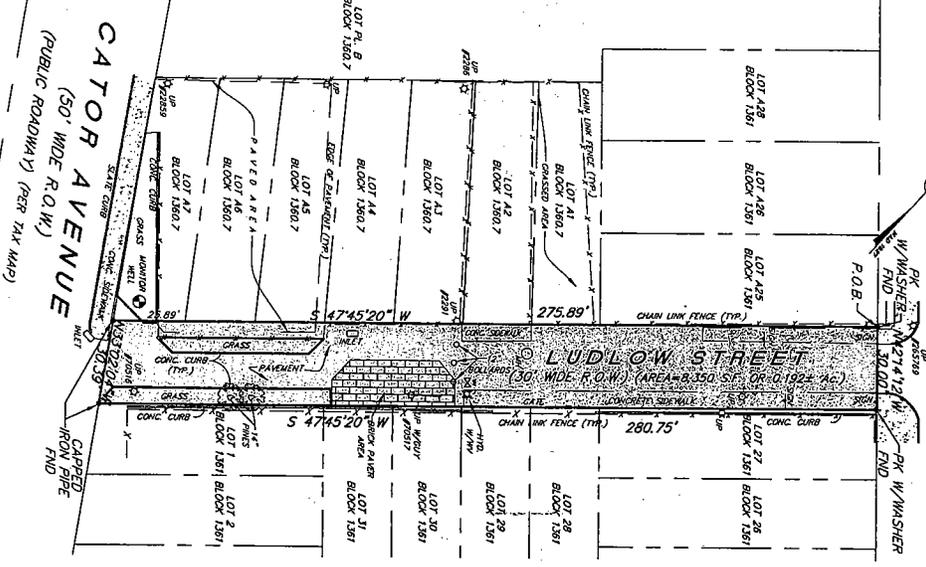
2/24/09
Date

NEW STREET

(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)



NEW STREET
(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)



NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT.

2. ANY UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS, UTILITY MARKINGS FOUND IN THE FIELD OR INFORMATION SUPPLIED BY THE UTILITY COMPANIES. THE EXISTENCE AND/OR EXTENT OF THE UTILITIES SHOWN HEREON IS NOT GUARANTEED BY THE UNDERSIGNED. THE UNDERSIGNED HAS NO KNOWLEDGE OF ANY AND ALL UTILITIES AFFECTING THE AREAS SHOWN HEREON.
3. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
4. THE INFORMATION SHOWN HEREON REFLECTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2008.
5. THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF HAZARDOUS AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED THAT NO EVIDENCE OF HAZARDOUS MATERIALS IS PRESENT OR THAT HAZARDOUS MATERIALS IS PRESENT. THE CLIENT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.
6. THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE UNDERSIGNED PROFESSIONAL'S KNOWLEDGE, INFORMATION AND BELIEF, AND IN ACCORDANCE WITH THE COMMONLY ACCEPTED STANDARDS OF PRACTICE. THE APPLICABLE STANDARDS OF PRACTICE, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.
7. RETRANSMITTED FROM PREVIOUS PLANS PREPARED BY PPE DATED 5/25/03 REVISED TO 11/04/04.

GENERAL NOTES

- A. PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.
- B. SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.
- C. BY GRABING PLOT ONLY, PROPERTY IS LOCATED IN FLOODPLAIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOOD PLAIN AS SHOWN ON A MAP ENTITLED NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM) OF THE JERSEY COAST (FIRM NO. 19002).
- D. THIS PLAN DOES NOT SHOW OR Delineate WETLANDS, FLOODPLAINS, OR FLOODWAY AREAS, IF ANY, WHICH MAY, OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.
- E. PROPERTY CORNERS SETTING AS SHOWN.
- F. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- G. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
- H. ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.



- LEGEND**
- - MANHOLE
 - - STORM INLET
 - ⊗ - HYDRANT
 - ⊕ - WATER VALVE
 - - OVERHEAD WIRES
 - X— - FENCE
 - S— - SIGN
 - ☆ - UTILITY POLE W/LIGHT
 - ⊙ - MONITOR WELL

SURVEY CERTIFICATION
To: The State of New Jersey
Development Authority
The New Jersey State Development Authority
The City of Jersey City Board of Education
Chicago Title Insurance Company
Cecilia, Byrne, Bon, Giffino, Cecchi, Stenewi & Ostein

WHITMAN
116 BERSHAW, UNIT 30-1
EAST BRUNSWICK, NJ 08816
TEL: (732) 390-8588
FAX: (732) 390-8486
CERTIFICATE OF AUTHORIZATION
No. 246A28000900

SEAL:
STEVEN H. MAZUREK, PLS., P.E.
NEW JERSEY PROFESSIONAL LAND SURVEYOR
LIC. NO. 24188

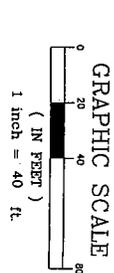
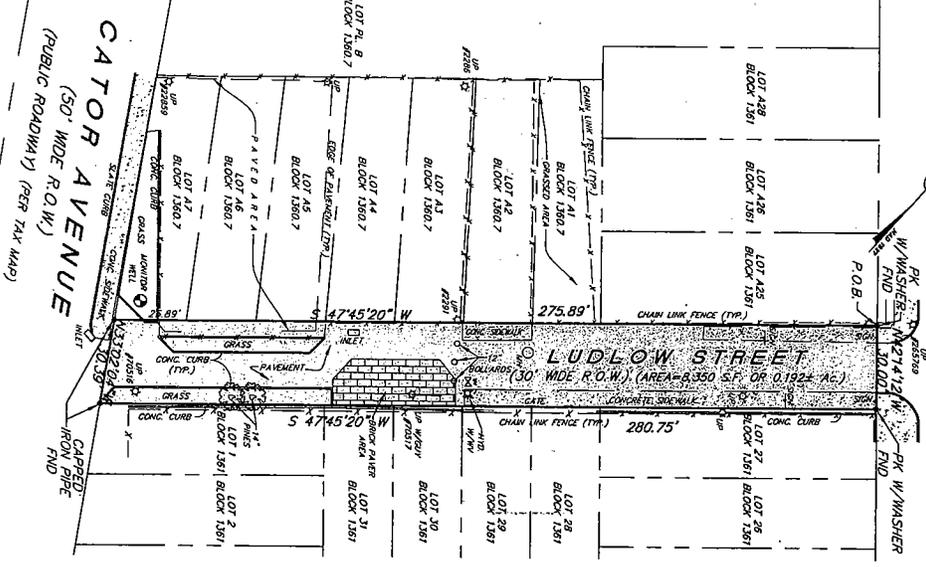
- DRAWING NOTES:**
1. IF THIS DRAWING DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN.
 2. THIS DRAWING HAS BEEN PREPARED AS AN 'B' SIZE DOCUMENT. DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

NO.	DATE	REVISION DESCRIPTION
0	2/18/2008	ISSUED FOR REVIEW
1	2/23/2008	GENERAL REVISIONS, P.O.B.

TAXMAP: 8.0T	ACREAGE: 80.192
BLOCK:	LOT:
SCALE: AS SHOWN	LAST MOD. 00003
DATE: 2/18/2008	REVISION NO. 02-07-16
DRAWN BY: J.F.	REVIEWED BY: S.H.M.

LUDLOW STREET
RIGHT OF WAY VACATION
JERSEY CITY, HUDSON COUNTY, NJ
STRY OF PROPERTY
PPE
1 of 1

NEW STREET
(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)



- LEGEND**
- - MANHOLE
 - - STOP INLET
 - ⊕ - HYDRANT
 - ⊗ - WATER VALVE
 - - OVERHEAD WIRES
 - X- - FENCE
 - S- - SIGN
 - U- - UTILITY POLE W/LIGHT
 - M- - MONITOR WELL

SURVEY CERTIFICATION:

To: The State of New Jersey
The New Jersey State Development Authority
The New Jersey Schools Development Authority
The City of Jersey City Board of Education
Chicago Title Insurance Company
Carole, Byrne, Bon, Gilina, Cecchi, Stewart & Ostein

- NOTES**
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT.
 2. ANY UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS, UTILITY MARKINGS FOUND IN THE FIELD AND/OR INFORMATION SUPPLIED BY THE UTILITY COMPANIES. THE EXISTENCE AND/OR EXTENT OF ANY UTILITIES NOT SHOWN HEREON IS NOT GUARANTEED BY THIS SURVEY. THE UNDERSIGNED HAS NO KNOWLEDGE OF ANY PERSON RELYING ON THIS INFORMATION FOR THE LOCATION AND/OR EXISTENCE OF ANY AND ALL UTILITIES AFFECTING THE AREAS SHOWN HEREON.
 3. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
 4. THE INFORMATION SHOWN HEREON DEPICTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2008.
 5. THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF METALLIC AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED THAT NO EVIDENCE OF METALLIC AND/OR HAZARDOUS MATERIALS IS PRESENT HEREON. THE CLIENT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.
 6. THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE UNDERSIGNED PROFESSIONAL'S KNOWLEDGE, INFORMATION AND BELIEF, AND IN ACCORDANCE WITH THE COMMONLY UNDERSTOOD MEANING OF THESE WORDS AS APPLIED TO THE APPLICABLE STANDARDS OF PRACTICE, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.
 7. RETENGED FROM PREVIOUS PLANS PREPARED BY PPE DATED 5/25/03 REVISED TO 11/08/04.

- GENERAL NOTES**
- A. PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.
 - B. SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.
 - C. BY ORIGIN PLAT ONLY PROPERTY IS LOCATED IN REDEVELOPMENT ZONE X (AREAS DETERMINED TO BE OUTSIDE PROGRAM FLOOD INSURANCE RATE MAP, HUDSON COUNTY, ON A MAP ENTITLED NATIONAL FLOOD INSURANCE COMMUNITY PANEL NUMBER 3401C0104D, EFFECTIVE AUGUST 16, 2002).
 - D. THIS PLAN DOES NOT SHOW OR DENIGATE METALLIC FLOODPLAINS OR FLOODWAY AREAS, IF ANY, WHICH MAY OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.
 - E. PROPERTY CORNERS SET/FOUND AS SHOWN.
 - F. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - G. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
 - H. ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.

WHITMAN
REGISTERED PROFESSIONAL
115 BRIDGE STREET
EAST BRUNSWICK, NJ 08816
TEL: (732) 350-5558
FAX: (732) 350-9496
CERTIFICATE OF AUTHORIZATION
NO. 24528008600

SEAL:

Steven H. Mazurek
STEVEN H. MAZUREK, PLS., PP.
NEW JERSEY PROFESSIONAL
LAND SURVEYOR
LIC. NO. 24198

DRAWING NOTES:

1. IF THIS DRAWING DOES NOT CONTAIN THE RAISED SEAL OF THE PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN.
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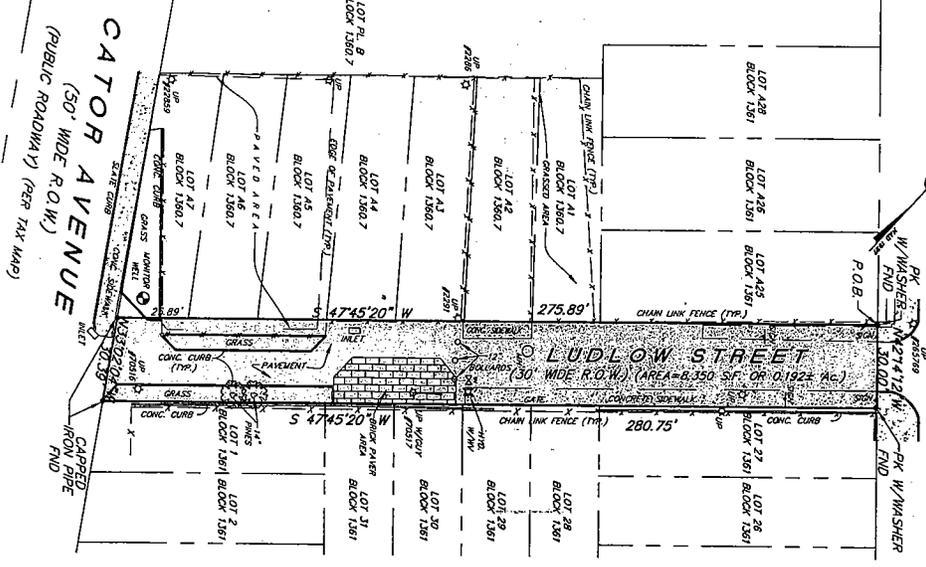
NO.	DATE	REVISION DESCRIPTION
0	2/19/2008	ISSUED FOR REVIEW
1	2/23/2008	GENERAL REVISIONS, P.O.B.

TAXMAP: 801	ACREAGE: 80192
BLOCK:	LOT:
SCALE: AS SHOWN	INSTR. NO.: 00003
DATE: 2/19/2008	ISSUED FOR REVIEW: 02-07-16
DRAWN BY: J.E.	REVIEWED BY: S.H.M.

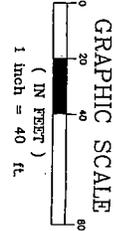
LUDLOW STREET
RIGHT OF WAY VACATION
JERSEY CITY, HUDSON COUNTY, NJ
SURVEY OF PROPERTY

Prepared by: [Signature]
Scale: 1" = 40'

NEW STREET
(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)



- NOTES:**
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 3. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
 4. THE INFORMATION SHOWN HEREON DEPICTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2008.
 5. THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF METALLIC AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED THAT NO EVIDENCE OF HAZARDOUS MATERIALS IS PRESENT. ANY STATEMENT IS BEING MADE BY THE FACT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.
 6. THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE UNDERSIGNED PROFESSIONAL'S KNOWLEDGE, INFORMATION AND BELIEF, AND IN ACCORDANCE WITH THE COMMONLY ACCEPTED STANDARDS OF PRACTICE. IT DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.
 7. REFERENCED FROM PREVIOUS PLANS PREPARED BY PFE DATED 5/25/03 REVISED TO 11/09/04.
- GENERAL NOTES**
- A. PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.
 - B. SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.
 - C. BY GRAPHIC PLOT ONLY, PROPERTY IS LOCATED IN FLOODPLAIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD FLOODPLAIN AS SHOWN ON A MAP ENTITLED NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM NUMBER 190301010D) EFFECTIVE AUGUST 01, 2005.
 - D. THIS PLAN DOES NOT SHOW OR DELINEATE METALLIC FLOODPLAINS OR FLOODWAY AREAS IF ANY WHICH MAY OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.
 - E. PROPERTY CORNERS SET/FOUND AS SHOWN.
 - F. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - G. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
 - H. ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.



- LEGEND**
- - MANHOLE
 - - STORM INLET
 - ⊗ - HYDRANT
 - ⊙ - WATER VALVE
 - - OVERHEAD WIRES
 - X— - FENCE
 - S— - SIGN
 - U— - UTILITY POLE W/LIGHT
 - M— - MONITOR WELL

SURVEY CERTIFICATION

I, the State of New Jersey,
The New Jersey Economic Development Authority
The New Jersey Schools Development Authority
The City of Jersey City Board of Education
Chicago Title Insurance Company
Cohen, Gyman, Bone, Stribling, Caroch, Stewart & Oshin

WHITMAN
110 NILES LANE, UNIT B-1
JERSEY CITY, NJ 07310
TEL: (732) 350-9595
FAX: (732) 350-9596
CERTIFICATE OF AUTHORIZATION
No. 246928009600

SEAL:

Steven H. Mazurek
STEVEN H. MAZUREK, P.L.S., P.P.
NEW JERSEY PROFESSIONAL
LAND SURVEYOR
LIC. NO. 24188

- DRAWING NOTES:**
1. IF THIS DRAWING DOES NOT CONTAIN THE RAISED SEAL OF THE PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN.
 2. THIS DRAWING HAS BEEN PREPARED AS AN 'B' SIZE DOCUMENT. DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

NO.	DATE	REVISION DESCRIPTION
0	2/18/2008	ISSUED FOR REVIEW
1	2/23/2008	GENERAL REVISIONS, P.O.B.

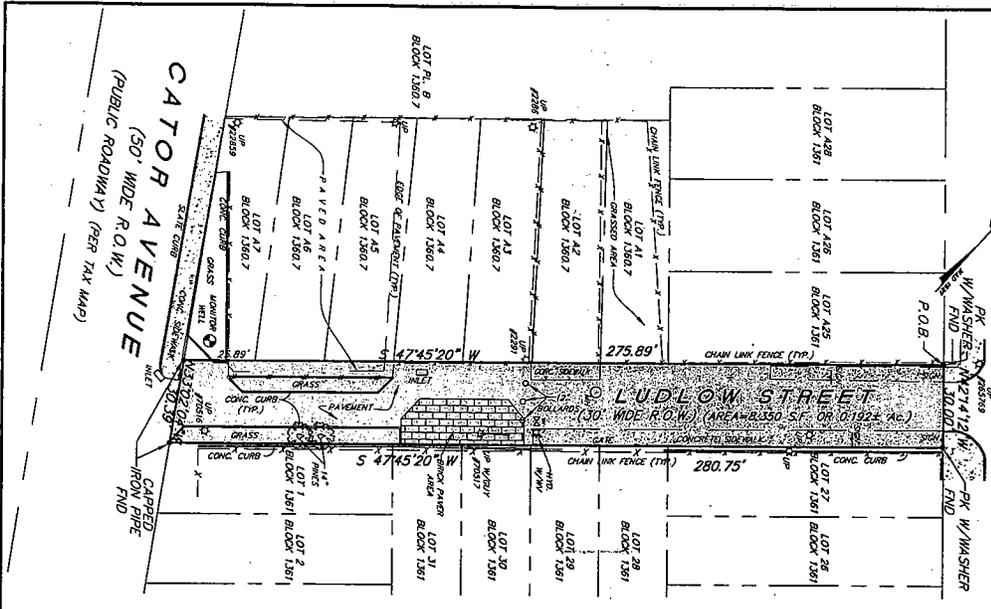
TAXMAP: 801
BLOCK: LOT:
SCALE: AS SHOWN JASC. NO.: 00003
DATE: 2/18/2008 WHITMAN NO.: 09-07-16
DRAWN BY: J.F. BELIEVED BY: S.H.M.

LUDLOW STREET
RIGHT OF WAY VACATION
JERSEY CITY, HUDSON COUNTY, NJ
SURVEY OF PROPERTY

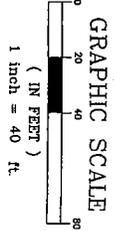
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NEW STREET

(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)



- NOTES**
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT.
 - ANY UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS. UTILITY MARKINGS FOUND IN THE FIELD AND/OR INFORMATION SUPPLIED BY THE UTILITY COMPANIES. THE EXISTENCE AND/OR EXTENT OF THE UTILITIES CAN NOT BE VERIFIED. OTHER UTILITIES MAY EXIST WHICH THE UNDERSIGNED HAS NO KNOWLEDGE. ANY PERSON RELYING ON THIS INFORMATION MUST VERIFY INDEPENDENTLY THE LOCATION AND/OR EXISTENCE OF ANY AND ALL UTILITIES AFFECTING THE AREAS SHOWN HEREON.
 - IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
 - THE INFORMATION SHOWN HEREON REFLECTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2008.
 - THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF HAZARDOUS AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED HEREON, NOR SHOULD IT BE ASSUMED OR CONSTRUED THAT ANY STATEMENT IS BEING MADE BY THE FACT THAT NO EVIDENCE OF HAZARDOUS AND/OR HAZARDOUS MATERIALS IS PORTAYED HEREON. THE CLIENT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.
 - THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE UNDERSIGNED PROFESSIONAL'S KNOWLEDGE, INFORMATION AND BELIEF, AND IN ACCORDANCE WITH THE COMMONLY ACCEPTED PROCEDURE CONSISTENT WITH THE APPLICABLE STANDARDS OF PRACTICE, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.
 - REFERENCED FROM PREVIOUS PLANS PREPARED BY PFE DATED 5/28/03 REVISED TO 11/02/04.
- GENERAL NOTES**
- PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.
 - SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.
 - BY GRAPHIC PLAT ONLY, PROPERTY IS LOCATED IN FLOODPLAIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOOD PLAIN) AS SHOWN ON A MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, HUDSON COUNTY (ALL JURISDICTIONS) PANEL 104 OF 118, COMMUNITY FLOOD NUMBER 57012004, EFFECTIVE AUGUST 16, 2002.
 - THIS PLAN DOES NOT SHOW OR DELINEATE WETLANDS, FLOODPLAIN, OR FLOODWAY AREAS, IF ANY, WHICH MAY OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.
 - PROPERTY CORNERS SET/FOUND AS SHOWN.
 - AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
 - ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.



- LEGEND**
- - MANHOLE
 - - STORM INLET
 - ⊕ - HYDRANT
 - ⊗ - WATER VALVE
 - - OVERHEAD WIRES
 - X— - FENCE
 - S— - SIGN
 - M— - MONITOR WELL

SURVEY CERTIFICATION

To: The State of New Jersey,
New Jersey State Developmental Authority,
The New Jersey State Board of Education,
The City of Jersey City Board of Education,
Chicago Title Insurance Company,
Cecilia Byrne, Dean, Gillo, Cecil, Stewart & Ostein

WHITTMAN
116 TIGES LANE, UNIT B-1
EAST BRUNSWICK, NJ 08816
TEL: (732) 380-8686
FAX: (732) 380-8688
CERTIFICATE OF AUTHORIZATION
No. 246748009600

SEAL:

STEVEN H. MAZURKOWICZ, P.E., P.P.
NEW JERSEY PROFESSIONAL
LAND SURVEYOR
LIC. NO. 24196

Steven H. Mazurkowitz

DRAWING NOTES:

- IF THIS DRAWING DOES NOT CONTAIN THE ENRISED SEAL OF THE A VALID PROFESSIONAL AND NO UTILITIES DOCUMENTED AND NO UTILITIES ASSUMED FOR THE INFORMATION SHOWN.
- THIS DRAWING HAS BEEN PREPARED AS AN "A" SIZE DOCUMENT. DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

NO.	DATE	REVISION DESCRIPTION
0	2/19/2009	ISSUED FOR REVIEW
1	2/23/2009	GENERAL REVISIONS, P.O.B.

TAXMAP: 8.01	ACREAGE: 80.192
BLOCK: AS SHOWN	LOT: 1282 NO. 00003
DATE: 2/19/2009	MEZUREL NO. 02-07-16
DRAWN BY: J.F.	REVIEWED BY: S.H.M.

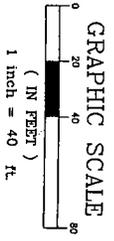
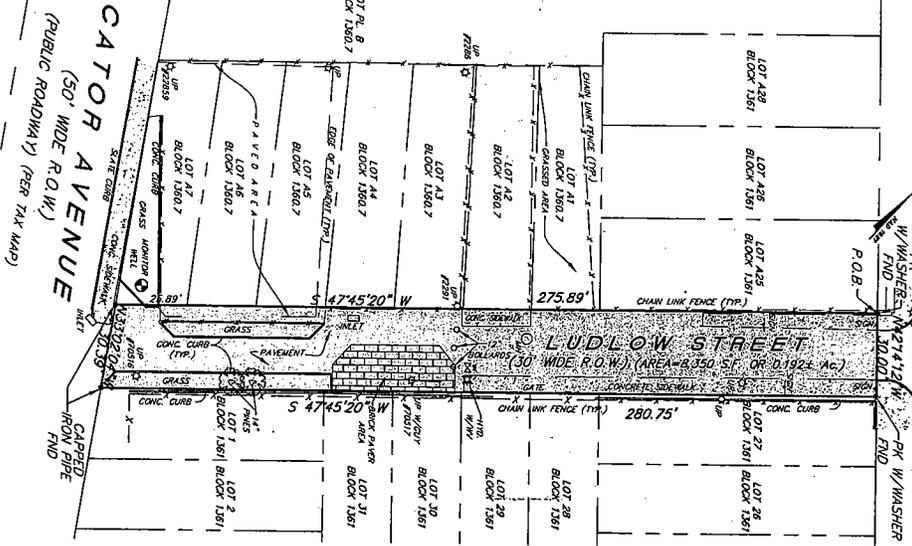
SURVEY OF PROPERTY

LUDLOW STREET
RIGHT OF WAY VACATION
JERSEY CITY, HUDSON COUNTY, NJ

DRAWING No. 02-07-16, Ludlow Vacation-dwg SHEET No. 1 of 1

NEW STREET

(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)



- LEGEND**
- - MANHOLE
 - - STORM INLET
 - ✕ - HYDRANT
 - ⊖ - WATER VALVE
 - — — — — OVERHEAD WIRES
 - — — — — FENCE
 - — — — — SIGN
 - ☆ - UTILITY POLE W/LIGHT
 - ⊙ - MONITOR WELL

SURVEY CERTIFICATION:

To: The State of New Jersey
The New Jersey Economic Development Authority
The City of Jersey City Board of Education
Chicago Title Insurance Company
Cedeno, Bryn, Bon, Galina, Ceco, Slawer & O'Brien

- NOTES:**
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT.
 2. ANY UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS, UTILITY MARKINGS FOUND IN THE FIELD AND/OR INFORMATION PROVIDED BY THE UTILITY COMPANIES. THE EXISTENCE AND/OR EXTENT OF THE UTILITIES CAN NOT BE VERIFIED. OTHER UTILITIES, SUCH AS UNDERGROUND UTILITIES, ARE NOT SHOWN AND/OR EXISTENCE OF ANY AND ALL UTILITIES AFFECTING THE AREAS SHOWN HEREON.
 3. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
 4. THE INFORMATION SHOWN HEREON DEPICTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2009.
 5. THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED THAT NO EVIDENCE OF HAZARDOUS MATERIALS OR CONTAMINATION IS SHOWN HEREON. THE CLIENT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.
 6. THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE UNDERSIGNED ACCREDITED PROFESSIONAL'S KNOWLEDGE, INFORMATION AND BELIEF AND IN ACCORDANCE WITH THE COMMONLY CONSTITUTE A WARRANTY OR GUARANTEE OTHER EXPRESSED OR IMPLIED.
 7. REFERENCED FROM PREVIOUS PLANS PREPARED BY P/E DATED 5/25/03 REVISED TO 11/09/04.
- GENERAL NOTES**
- A. PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.
 - B. SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.
 - C. BY GRABING PLOT ONLY, PROPERTY IS LOCATED IN FLOODPLAIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOOD RISK ZONING MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP HUDSON COUNTY, NEW JERSEY" PANELED 104 OF 118, COMMUNITY PANEL NUMBER 301070104, EFFECTIVE AUGUST 16, 2002).
 - D. THIS PLAN DOES NOT SHOW OR DENEGATE NEGLIGENT FLOODPLAINS OR FLOODWAY AREAS, IF ANY, WHICH MAY OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.
 - E. PROPERTY CONEERS SET/FOUND AS SHOWN.
 - F. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - G. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
 - H. ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.



WHITMAN
110 DESSANE UNIT B-1
EAST BRUNSWICK, NJ 07003
TEL: (732) 390-6558
FAX: (732) 390-6496
CERTIFICATE OF AUTHORIZATION
No. 246A280009600

SEAL:

STEVEN H. MAZURK, PLS., P.E.
NEW JERSEY PROFESSIONAL
DATE: 2/19/2009
LIC. NO. 24186

1. IF THIS DRAWING DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN.

2. THIS DRAWING HAS BEEN PREPARED AS AN 'B' SIZE DOCUMENT, DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

NO.	DATE	REVISION DESCRIPTION
0	2/19/2009	ISSUED FOR REVIEW
1	2/23/2009	GENERAL REVISIONS, P.O.B.

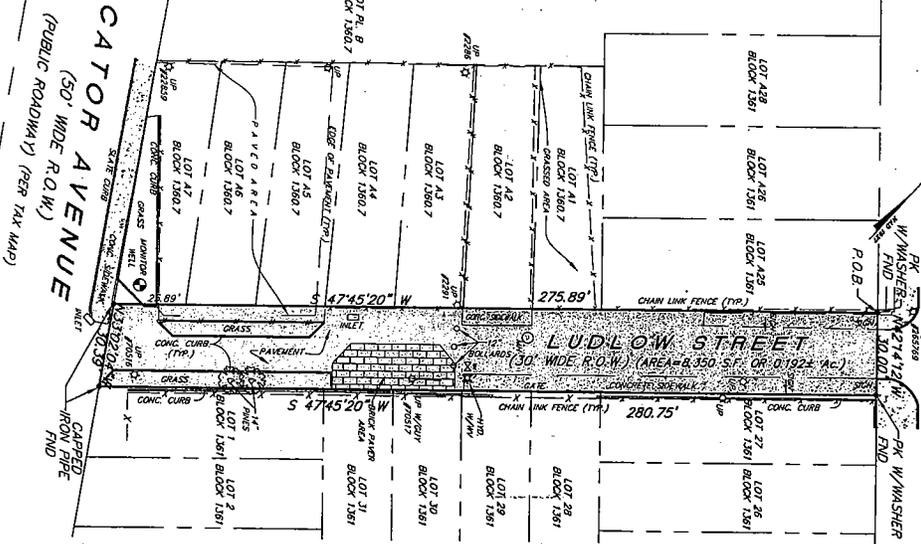
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BLOCK:	LOT:
SCALE: AS SHOWN	INSTR. NO.: 00003
DATE: 2/19/2009	INSTRUMENT NO.: 02-07-16
DRAWN BY: JF.	REVIEWED BY: S.H.M.

LUDLOW STREET
RIGHT OF WAY VACATION
JERSEY CITY, HUDSON COUNTY, NJ

SURVEY OF PROPERTY

DRAWN BY: JF.
CHECKED BY: S.H.M.
DATE: 2/19/2009

NEW STREET
(60' WIDE R.O.W.)
(PUBLIC ROADWAY) (PER TAX MAP)

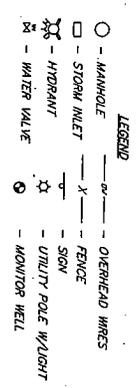
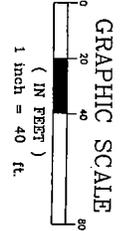


NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT.

2. ANY UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS. UTILITY MARKINGS FOUND IN THE FIELD AND/OR INSPECTION SURVEYS OF THE UTILITIES COMPANIES, THE EXISTENCE AND/OR EXTENT OF THE UTILITIES CAN NOT BE DETERMINED. OTHER UTILITIES MAY EXIST AND ANY PERSON RELYING ON THIS INFORMATION MUST VERIFY INDEPENDENTLY THE LOCATION AND/OR EXISTENCE OF ANY AND ALL UTILITIES AFFECTING THE AREAS SHOWN HEREON.
3. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID COPY OF THE SURVEY AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.
4. THE INFORMATION SHOWN HEREON DEPICTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2008.
5. THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF WETLANDS OR OTHER FEATURES. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED THAT NO EVIDENCE OF WETLANDS AND/OR HAZARDOUS MATERIALS IS PRESENT HEREON. THE CLIENT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.
6. THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION. IT DOES NOT GUARANTEE THE ACCURACY OF THE DATA AND INFORMATION PROVIDED AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.
7. REPERMITS FROM PREVIOUS PLANS PREPARED BY PPE DATED 5/25/03 REVISED TO 11/09/04.

GENERAL NOTES

- A. PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.
- B. SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.
- C. BY GRAPHIC PLAT ONLY, PROPERTY IS LOCATED IN FLOODPLAIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOOD PLAIN) AS SHOWN ON A MAP ENTITLED "ATLANTIC FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, HUDSON COUNTY (ALL JURISDICTIONS) PLATE 104 OF 116, COMMUNITY PANEL NUMBER 3407201010, EFFECTIVE AUGUST 16, 2002.
- D. THIS PLAN DOES NOT SHOW OR DEMONSTRATE WETLANDS, FLOODPLAINS, OR FLOODWAY AREAS, IF ANY, WHICH MAY OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.
- E. PROPERTY CORNERS SET/FOUND AS SHOWN.
- F. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- G. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.
- H. ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.



SURVEY CERTIFICATION
I, the State of New Jersey,
The New Jersey Economic Development Authority,
The City of Jersey City Board of Education,
Chicago Title Insurance Company,
Covino, Byrne, Bonn, Gilma, Carol, Starnot & Osteln

WHITMAN
116 TRESEL LANE, UNIT 1816
EAST BRUNSWICK, NJ 08816
TEL: (732) 390-5858
FAX: (732) 390-9496
CERTIFICATE OF AUTHORIZATION
NO. Z4628009600

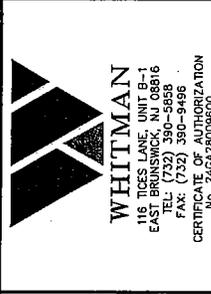
SEAL:
STEVEN H. MAZUREK, PLS., P.P.
NEW JERSEY PROFESSIONAL
LAND SURVEYOR
LIC. NO. 24196

1. IF THIS DRAWING DOES NOT CONTAIN THE RAISED SEAL OF THE PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN.
2. THIS DRAWING HAS BEEN PREPARED AS AN 'B' SIZE DOCUMENT. DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

NO.	DATE	REVISION DESCRIPTION
0	2/19/2008	ISSUED FOR REVIEW
1	2/23/2008	GENERAL REVISIONS, P.O.B.

TAXMAP: 801 ACREAGE: 8.0192
BLOCK: LOT: LOT:
SCALE: AS SHOWN DIST. NO.: 00003
DATE: 2/19/2008 HOLIDAY LOG: 02-07-16
DRAWN BY: J.E. REVISIONS BY: S.H.M.

LUDLOW STREET
RIGHT OF WAY VACATION
JERSEY CITY, HUDSON COUNTY, NJ
SURVEY OF PROPERTY
DRAWING NO. 02-07-16
SHEET NO. 1 OF 1
Ludlow Vacation.dwg



SEAL:

Steven H. Mazurka
STEVEN H. MAZURKA, PLS, PP
 NEW JERSEY PROFESSIONAL LAND SURVEYOR
 LIC. NO. 24196
 DATE 2/18/2009

DRAWING NOTES:

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2. THIS DRAWING HAS BEEN PREPARED AS AN 'A' SIZE DOCUMENT. DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

NO.	DATE	REVISION DESCRIPTION
0	2/18/2009	ISSUED FOR REVIEW
1	2/23/2009	GENERAL REVISIONS, P.O.B.
TAXMAP: 8.01 ACREAGE: ±0.192		
BLOCK: LOT:		
SCALE: AS SHOWN TASK NO.: 00003		
DATE: 2/18/2009 WHITMAN NO. 02-07-16		
DRAWN BY: J.F. RECHECKED BY: S.H.M.		

NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT.

2. ANY UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS, UTILITY MARKINGS FOUND IN THE FIELD AND/OR INFORMATION SUPPLIED BY THE UTILITY COMPANIES. THE EXISTENCE AND/OR EXTENT OF THE UTILITIES SHOWN HEREON IS NOT GUARANTEED. ANY PERSON RELYING ON THIS INFORMATION MUST VERIFY INDEPENDENTLY THE LOCATION AND/OR EXISTENCE OF ANY AND ALL UTILITIES AFFECTING THE AREAS SHOWN HEREON.

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4. THE INFORMATION SHOWN HEREON DEPICTS THE CONDITIONS AS FOUND IN THE FIELD ON FEBRUARY 2009.

5. THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NON-EXISTENCE OF HAZARDOUS AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED HEREON, NOR SHOULD IT BE ASSUMED OR CONSTRUED THAT ANY STATEMENT IS BEING MADE BY THE FACT THAT THE SURVEYOR HAS OBSERVED OR DETECTED HAZARDOUS MATERIALS IS PORTRAYED HEREON. THE CLIENT SHOULD PURSUE THESE MATTERS SEPARATE AND APART FROM THIS SURVEY.

6. THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE UNDERSIGNED PROFESSIONAL'S KNOWLEDGE, INFORMATION AND BELIEF, AND IN ACCORDANCE WITH THE COMMONLY ACCEPTED PROCEDURE CONSISTENT WITH THE APPLICABLE STANDARDS OF PRACTICE, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.

7. REFERENCED FROM PREVIOUS PLANS PREPARED BY PPE DATED 5/25/03 REVISED TO 11/08/04.

GENERAL NOTES:

A. PROPERTY SURVEYED KNOWN AS LUDLOW STREET RIGHT OF WAY, JERSEY CITY, HUDSON COUNTY, NEW JERSEY.

B. SUBJECT PROPERTY CONTAINS 8,350 SQUARE FEET (0.192 AC.) OF LAND MORE OR LESS LUDLOW STREET RIGHT OF WAY.

C. BY GRAPHIC PLOT ONLY, PROPERTY IS LOCATED IN FLOODPLAIN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE FLOODPLAIN) AS SHOWN ON A MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM) NUMBER 14017C0104D, EFFECTIVE AUGUST 16, 2006.

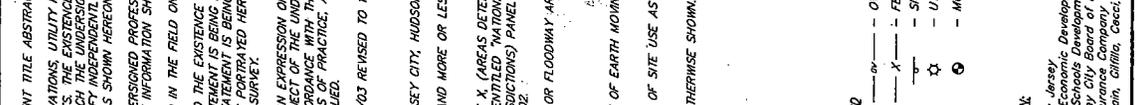
D. THIS PLAN DOES NOT SHOW OR DELINEATE WETLANDS, FLOODPLAINS, OR FLOODWAY AREAS, IF ANY, WHICH MAY OR MAY NOT EXIST ON THE PROPERTY SHOWN HEREON.

E. PROPERTY CORNERS SET/FOUND AS SHOWN.

F. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

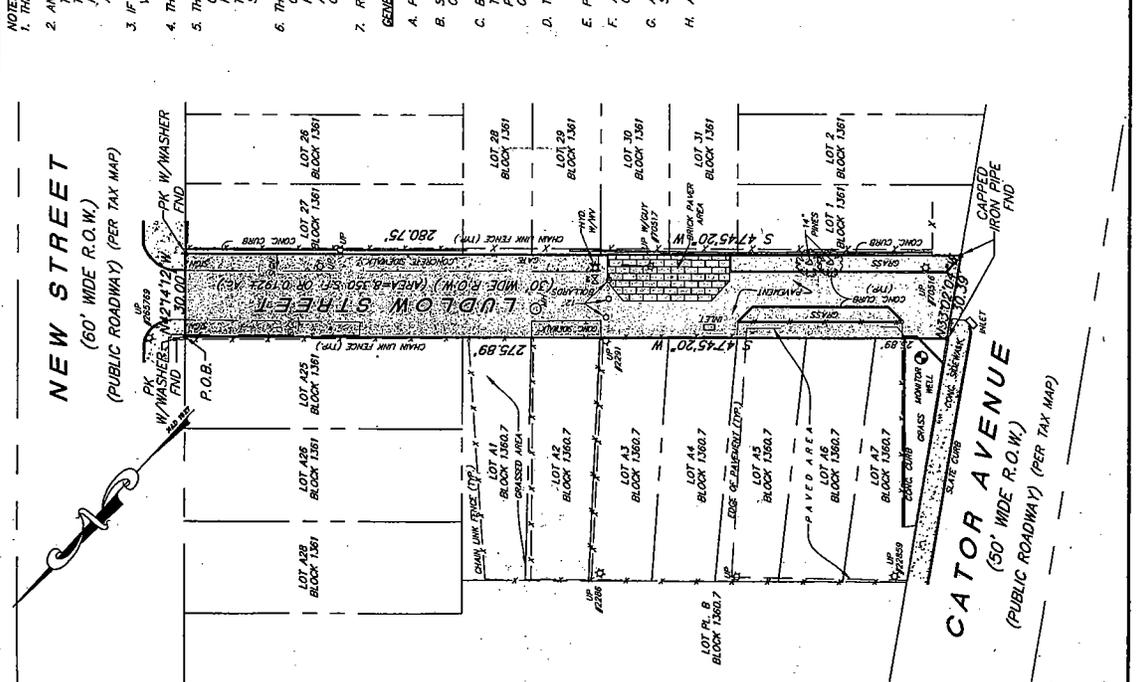
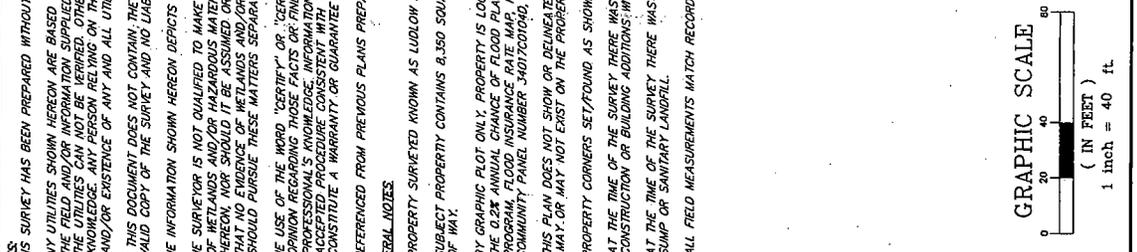
G. AT THE TIME OF THE SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.

H. ALL FIELD MEASUREMENTS MATCH RECORDED INFORMATION UNLESS OTHERWISE SHOWN.



SURVEY CERTIFICATION:

To: The State of New Jersey
 The New Jersey Economic Development Authority
 The New Jersey Schools Development Authority
 The City of Jersey City Board of Education
 Chicago Title Insurance Company
 Corbin, Byrne, Bann, Giffino, Cacci, Stewart & O'Brien



City Clerk File No. Ord. 09-066

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-066

TITLE:

ORDINANCE AMENDING ORDINANCE 05-103 ADOPTED ON AUGUST 10, 2005 TO PERMIT STEGMAN REALTY ONE, LLC; STEGMAN REALTY TWO, LLC; STEGMAN ACQUISITION, LLC AND STEGMAN STREET, LLC TO OFFER FOR RENT RATHER THAN FOR SALE RESIDENTIAL UNITS AT 228-230 STEGMAN STREET

WHEREAS, Stegman Realty One, LLC; Stegman Realty Two, LLC; Stegman Acquisition, LLC and Stegman Street, LLC (Stegman Realty et al.) owned ten residential units and the City of Jersey City (City) owned ten residential units in a building at 228-230 Stegman Street; and

WHEREAS, the building needed substantial renovations for the units to be habitable; and

WHEREAS, Ordinance 05-103 adopted on August 10, 2005 authorized the settlement of a lawsuit and the conveyance from the City to Stegman Realty et al. of ten (10) City-owned residential units identified as D1, D3, D4 E1, E3, F2, G4, H4, I1, I4, in Block 1317, Lot 7A; and

WHEREAS, Ordinance 05-103 required that Stegman Realty et al. rehabilitate the building and sell the ten units acquired from the City subject to a deed restriction that the units be owner-occupied and not used for rental purposes; and

WHEREAS, Stegman Realty et al. rehabilitated the building and attempted to sell the twenty (20) condominium units without any success; and

WHEREAS, Stegman Realty et al. is requesting that the City change the deed restriction so that it can rent the ten units to senior citizens at affordable rents; and

WHEREAS, Stegman Realty et al. desires to rent the ten units conveyed by the City to senior citizens, ages 62 and older, whose incomes do not exceed 60% of Hudson County's median income; and

WHEREAS, the rents would be in accordance with the New Jersey Housing and Mortgage Finance Agency's rental rate for individuals whose incomes do not exceed 60% of Hudson County's median income.

NOW, THEREFORE, BE IT ORDAINED that:

1. Ordinance 05-103 approved on August 10, 2005 is amended to eliminate the property deed restriction requiring that ten of the residential units at 228-230 Stegman Street be sold as owner-occupied condominium units that could never be rented;

2. Stegman Realty et al. is authorized to rent the ten units conveyed by the City to senior citizens who shall be persons of at least 62 years of age whose incomes do not exceed 60% of Hudson County's median income;
3. The rents charged by Stegman Realty et al. shall not exceed the rents established by the New Jersey Housing and Mortgage Finance Agency for individuals whose incomes do not exceed 60% of Hudson County's median income;
4. The City shall prepare and deliver to Stegman Realty et al. corrective deeds containing the restrictions set forth in paragraph nos. 2 and 3 of this ordinance for the ten units previously conveyed by the City to Stegman Realty et al.; and
5. The Mayor or Business Administrator is authorized to execute any other documents necessary or appropriate to implement the purposes of this ordinance.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 09-067

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-067

TITLE: ORDINANCE TO AUTHORIZING THE IMPOSITION OF A CONSERVATION EASEMENT AND DEED RESTRICTIONS ON THE "GATEWAY SITES" AS REQUIRED UNDER THE HONEYWELL SETTLEMENT CONSENT ORDER

COUNCIL offered and moved adoption of the following Ordinance:

WHEREAS, on December 23, 2005, the Jersey City Municipal Utilities Authority [JCMUA] filed a lawsuit in federal court entitled Jersey City Municipal Utilities Authority v. Honeywell International Inc. (D. N.J. Civ. No. 05-955 DMC) seeking remediation of chromium contamination on property owned by JCMUA; and

WHEREAS, on December 28, 2005, the Jersey City Incinerator Authority [JCIA] filed a lawsuit in federal court entitled Jersey City Incinerator Authority v. Honeywell International Inc. (D. N.J. Civ. No. 05-5993 DMC) seeking remediation of chromium contamination on property owned by JCIA and other relief; and

WHEREAS, on January 4, 2006 the Hackensack Riverkeeper, Inc. [Riverkeeper] filed a lawsuit in federal court entitled Hackensack Riverkeeper, Inc. v. Honeywell International Inc. (D. N.J. Civ. No. 06-022 DMC) filed a lawsuit against Honeywell under the Resource and Conservation Recovery Act and seeking remediation of chromium contamination on various properties collectively designated by the New Jersey Department of Environmental Protection [NJDEP] as Study Areas 5, 6 North, and 6 South; and

WHEREAS, the three federal lawsuits, JCMUA v. Honeywell, JCIA v. Honeywell and Riverkeeper v. Honeywell were consolidated in the United States District Court of New Jersey [the Consolidated Litigation] under Docket No. 05-955 (DMC-PS); and

WHEREAS, in May 2005, Jersey City filed a lawsuit in State Court entitled Jersey City v. Honeywell International Inc. (Superior Court Law Division, Docket No. HUD-L-2295-05) seeking to recover lost property tax revenue for the property designated by the NJDEP as Study Area 7; and

WHEREAS, in May 2005, the NJDEP also filed a lawsuit in State Court entitled NJDEP v. Honeywell International Inc. (Superior Court Chancery Division, Docket No. HUD-C-77-05) seeking injunctive and other relief with respect to numerous sites in Essex and Hudson County contaminated with COPR produced by Honeywell and the other defendants [the Orphan Site Litigation]; and

WHEREAS, after extensive negotiations among the parties, on November 12, 2008, the City of Jersey City adopted a resolution that authorized the execution of a Settlement Consent Order which, among other things, required the City of Jersey City to subject certain property it owns, the "Gateway Sites", to certain statutory and regulatory controls to restrict the future use of the property to recreational purposes and to protect and preserve the environmental remediation actions taken on the property; and

ORDINANCE TO AUTHORIZING THE IMPOSITION OF A CONSERVATION EASEMENT AND DEED RESTRICTIONS ON THE "GATEWAY SITES" AS REQUIRED UNDER THE HONEYWELL SETTLEMENT CONSENT ORDER

WHEREAS, in order to implement the agreed upon statutory and regulatory controls, and to insure their perpetual endurance, the City of Jersey City is required to execute and record a Deed Notice; and

WHEREAS, it is in the best interests of the City to implement the Settlement Consent Order and authorize the execution and recordation of the Deed Notice.

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

- 1. The Mayor or Business Administrator is authorized to execute and record a deed to impose certain environmental controls and use restrictions on the following properties, known as the Gateway Sites:
 - i. Site 68 (Clendenny Outfall);
 - ii. Site 69 (Clendenny Avenue);
 - iii. Site 70 (Colony Drive); and
 - iv. Site 130 (Communipaw Avenue);

These properties are known on the official tax assessor's map as Block 1746, Lots B1, B3, C4, C5 and E1, and depicted on the map attached hereto as Exhibit A.

- 2. The Deed Notice shall be in substantially the form attached hereto as Schedule B, subject to such modification as the Business Administrator or the Corporation Counsel deems appropriate or necessary.
- 3. The Mayor or Business Administrator is also authorized to execute any other documents appropriate or necessary to effectuate the purposes of the within ordinance.
 - 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 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.
 - 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.

NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he
5/14/09

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: B. O'Reilly
Business Administrator

Certification Required

Not Required

Exhibit “A”

Exhibit “B”

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
[Signature]

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE AND RESTRICTION OF PROPERTY USE RELATED TO ENVIRONMENTAL CONDITIONS AND REMEDIAL ACTIONS

This Deed Notice and Restriction of Property Use Related to Environmental Conditions and Remedial Actions (“Deed Notice”) is made as of the ___ day of _____, 2009, by the City of Jersey City, New Jersey. Owner shall mean the City of Jersey City together with its successors and assigns, including all successors in interest in the Property (hereinafter defined) which is the subject of this Deed Notice as described fully below.

1. **THE PROPERTY.** The City of Jersey City is the current owner in fee simple of certain real property designated as [ADD PROPERTY DESCRIPTION] and more particularly described in Exhibit A-1 annexed hereto (the “Property”).
2. **DEPARTMENT’S ASSIGNED BUREAU.** The Bureau of State Case Management (“BCM”) is the New Jersey Department of Environmental Protection (“DEP”) program that is responsible for the oversight of the remediation of the Property. The matter is Case No. Hudson County Chromate Site Nos. 068, 069, 070, and 130.
3. **SOIL AND GROUNDWATER CONTAMINATION.** The DEP has conducted a preliminary investigation of the Property and has determined that soils, sediments, and/or groundwater on the Property may contain hexavalent chromium.
4. **CONSIDERATION.** Pursuant to, in furtherance of, and in exchange for consideration received under the *Settlement Consent Order by and Between the Jersey City Entities and Honeywell International Inc.*, entered on April 21, 2008 by the United States District Court for the District of

New Jersey in *Jersey City Municipal Utilities Authority v. Honeywell International Inc.* (Consolidated under Civ. No. 05-955) (hereinafter "Settlement Consent Order"), Owner has agreed to restrict the future use of the Property, to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to grant Honeywell International Inc. ("Honeywell") certain rights with respect to the Property and impose certain obligations with respect to the Property, which rights and obligations are intended to run with the land and be binding upon successors and assigns, and to provide notice to subsequent owners, lessees and operators of the restrictions on the Property.

5A. RESTRICTED AREAS AND USES. Owner has agreed to restrict the use of the Property to recreational, parkland, or open space uses and the entire Property shall be considered a restricted area. Future uses of the Property may include parkland, roadways, sidewalks, and other features supporting a recreational, parkland, open space, or transportation use. Residential, commercial, or industrial development of the Property is prohibited. Development of the Property may include the following types of features in support of a recreational, park land, open space, or transportation use:

- (a) Roads and pedestrian thoroughfares;
- (b) Curbing, fences, and signs;
- (c) sidewalks, paths, walkways, docks, nature trails, boat slips;
- (d) utilities and utility corridors, lighting, scoreboards;
- (e) restrooms and supporting plumbing;
- (f) irrigation or sprinkler components or systems;
- (g) water features, stormwater cisterns, and stormwater management systems;
- (h) Recreational facilities, including, but not limited to, playgrounds, playground equipments, basketball courts, tennis courts, athletic fields, benches, bicycle racks, scoreboards, dugouts, bleachers; and
- (i) other such facilities supporting recreational, park land, open space, or transportation uses of the Property.

5B. ENGINEERING CONTROLS. Owner consents to the use of engineering and institutional controls, such as containment controls, groundwater capture and treatment controls, deed notices, classification exception areas, or other similar controls, in the construction of an environmental remedy consistent with the future use of the Property for recreational, parkland, open space or transportation purposes. Upon the preparation of a Remedial Action Work Plan for the Property consistent with DEP regulations and with the future use of the Property for recreational, parkland, open space or transportation purposes, Owner shall file a letter with DEP providing notice of continued consent to the use of engineering and institutional controls as components of such remedy. Owner shall further seek modification of this Deed Notice to (a) describe with specificity any such engineering and institutional controls and the additional protections necessary to ensure the integrity of such engineering controls; and (b) describe any associated monitoring and maintenance activities and biennial certification requirements associated with such engineering and institutional controls. Owner will without further consideration promptly execute and record, or permit Honeywell to record, any amended or replacement Deed Notice necessary to secure approval of remediation which utilizes engineering or institutional controls.

6A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. Except as provided in Paragraph 6B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining the express written consent of DEP. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration. To request the consent of DEP, contact:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

ii. Notwithstanding subparagraph 6A.i., above, DEP's express written consent is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies DEP of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(C) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(D) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(E) Ensures that exposure to contamination in excess of the applicable remediation standards does not occur;

(G) Submits a written report, describing the alteration, improvement, or disturbance, to DEP within sixty (60) calendar days after the end of each alteration, improvement, or disturbance. The report shall include in the report the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance, the amounts of soil generated for disposal, if any, the final disposition and any precautions taken to prevent exposure. The report shall be submitted to:

Department of Environmental Protection

Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

6B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, any person may temporarily breach any engineering control provided that that person complies with each of the following:

- i. Immediately notifies DEP of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;
- ii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- iii. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;
- iv. Notifies DEP when the emergency has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;
- vii. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides a written report to DEP of such emergency and restoration efforts within sixty (60) calendar days after completion of the restoration of the engineering control. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (a) the nature and likely cause of the emergency, (b) the potential discharges of or exposures to contaminants, if any, that may have occurred, (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment, (d) the measures completed or implemented to restore the engineering control, and (e) the changes to the engineering control or site operation and maintenance plan to prevent recurrence of such conditions in the future. The report shall be submitted to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

7. ACCESS. Owner agrees to allow DEP, its agents, and representatives access to the Property to (a) conduct a remedial investigation and otherwise inspect and evaluate conditions on the Property and the protectiveness of any remedial action that includes this Deed Notice and (b) conduct remediation to ensure the protection of the public health and safety and of the environment Owner shall also cause all leases, subleases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring that all holders thereof provide such access to DEP.

Owner further agrees to allow Honeywell, its agents, and representatives, access to the Property to (a) conduct a remedial investigation and otherwise inspect and evaluate conditions on the Property; (b) conduct remediation to ensure the protection of the public health and safety and of the environment; and (c) inspect, repair, maintain, replace and certify any engineering controls adopted as part of any environmental remediation undertaken by Honeywell. Owner shall also cause all leases, subleases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring that all holders thereof provide such access to Honeywell.

8. NOTICES.

i. Owner shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. Owner shall notify any person intending to conduct invasive work or excavate within the Property on its behalf of the nature and location of contamination and, of the precautions necessary to minimize potential human exposure to contaminants.

iii. Owner shall provide written notice to DEP at least thirty (30) calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property.

iv. Owner shall provide written notice to DEP within thirty (30) calendar days following the Owner's receiving notice of any petition for a rezoning of the Property. The Owner shall submit the written notice to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413.

9. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice and the restrictions and obligations created herein are created in favor of and for the benefit of Honeywell and its successors and assigns. As such, this Deed Notice creates an interest in the Property in favor of Honeywell and runs with the land. The restrictions and obligations provided herein may be enforceable in a court of competent jurisdiction by Honeywell against any person who violated this Deed Notice.

ii. This Deed Notice itself is not intended to create any interest in real estate in favor of DEP, nor to create a lien against the Property in favor of DEP.

iii. The restrictions and obligations provided herein may be enforceable by DEP or the Owner against any person who violates this Deed Notice. To enforce violations of this Deed Notice, DEP may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11u and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11g.

10. PROVISIONS FOR THE BENEFIT OF ADJACENT PROPERTY. Honeywell is the owner of property adjacent to the Property and located at [Insert Description of SA-3] (hereinafter "the Honeywell Property"). Owner recognizes that the remedy for the Property and the remedy for the Honeywell property will likely be integrated into one overall remedy. As a result, this Deed Notice and Restriction will materially and substantially benefit the Honeywell Property and the restrictions and obligations provided herein shall be enforceable by the owner of the Honeywell Property.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as if the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12. SUCCESSORS AND ASSIGNS. This Deed Notice is intended to run with the land and shall be binding upon Owner, its successors, and assigns. It shall also be binding upon, and enforceable by, Honeywell, its successors and assigns.

13. MODIFICATION AND TERMINATION.

i. With notice to, and the written consent of, Honeywell, any person may request in writing, at any time, that DEP modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate.

ii. With notice to, and the written consent of, Honeywell, any person may request in writing, at any time, that DEP terminate this Deed Notice because the conditions which triggered the need for this Deed Notice are no longer applicable.

iii. This Deed Notice may be revised or terminated only upon filing of an instrument, executed by DEP, in the office of the Hudson County Register, New Jersey, expressly modifying or terminating this Deed Notice.

14A. EXHIBIT A. Exhibit A includes the following maps of the AOC 1 Open Space Property and the vicinity:

i. Exhibit A-1: Metes and Bounds Description of the Property - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property and a Tax Map;

ii. Exhibit A-2: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property;

iii. Exhibit A-3: AOC 1 Open Space Property Map - A scaled map of the AOC 1 Open Space Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; the map(s) shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

EXHIBIT A

A-1 Metes and Bounds Description of the Property

A-2 Vicinity Map

A-3 Property Map

A-1 Metes and Bounds Description of Property

Metes and Bounds Description of AOC 1 Open Space Property:

[Metes and Bounds Description to be included in final document]

Exhibit Figure A-1
Tax Map

EXHIBIT FIGURE A-1

TAX MAP

[To be Inserted]

Exhibit Figure A-2
Site Vicinity Map
SITE
Jersey City, New Jersey

[INSERT]

EXHIBIT FIGURE A-2
SITE VICINITY MAP

Exhibit Figure A-3
Property Map

SIGNATURES.

IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:

_____ By _____

Print name and title [Signature]

STATE OF New Jersey SS.: COUNTY OF

I certify that on _____, 20____, _____ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ of the Owner named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper officer who is the _____ of the Owner
- (c) this document was signed and delivered by the Owner as a voluntary act and was duly authorized;
- (d) this person knows the proper seal of the Owner which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 20____
_____, Notary Public

[Print name and title]

City Clerk File No. Ord. 09-068

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-068

TITLE: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Jersey City, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$24,000,000. Pursuant to N.J.S.A. 40A:12A-37, no down payment is required, as the improvement described in Section 3 is a redevelopment project under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$24,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of real property commonly known as 15 Linden Avenue East and described on the Official Tax Map of the City as Block 1510, Lots X.1, 29 and Y and Block 1505, Lot D (collectively the "Property"), and all rights therein, and including related soil, environmental and geotechnical testing, grading and related site work, and all other costs necessary therefor or incidental thereto, to allow for the relocation of one or more City agencies, instrumentalities and/or departments from the Bayfront Redevelopment Area so that the property within the Bayfront Redevelopment Area may be environmentally remediated and made available for development.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the City of Jersey City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The maximum interest rate of interest that the obligations shall bear shall not exceed seven per centum per annum (7.0%).

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$24,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

(e) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(f) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(g) Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-3 *et seq.*, the Mayor, the Business Administrator, the Chief Financial Officer, the Corporation Counsel and other appropriate representatives of the City (the "City Representatives") are hereby authorized to acquire the real property described in Section 3 hereof on behalf of the City, by purchase, gift, condemnation or otherwise. The City Council hereby determines that it is necessary to acquire all interests in the property described in Section 3 in order to make the property available for the construction of a municipal facility to house the operations of one or more City agencies and/or departments. The City Representatives are hereby authorized to proceed with the acquisition of such real property through negotiations with the property owner or owners or other organizations or entities that may be involved. The Mayor of the City is further authorized to execute the contract or contracts necessary therefor, and the City Clerk is authorized to attest such execution in forms recommended by the Corporation Counsel. The signatures thereon shall provide conclusive evidence that the forms of the contracts have been so approved. The City Representatives are authorized to do all things necessary and to execute any such documents as may be reasonably necessary to effectuate the closing, to provide payment for the acquisition and to implement such contracts.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

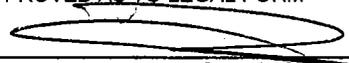
Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used. Such proceeds in the amount of the down payment appropriated herein and in excess of the obligations authorized herein shall be reimbursed to the capital improvement fund.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required

Not Required