

City Clerk File No. Ord. 10-089

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 10-089

**TITLE: AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO REVERT TO A
CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR**

BE IT ORDAINED BY THE *City of Jersey City* that pursuant to N.J.S.A. 40A:4-3.1 et. seq., that the *City of Jersey City* may commence operating on a Calendar Fiscal Year beginning with Calendar Year 2011; and

BE IT FURTHER ORDAINED that this ordinance shall take affect upon approval of the Local Finance Board of the application as required by law.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: *[Signature]*
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 10-090

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 10-090

TITLE: ORDINANCE AUTHORIZING THE IMPOSITION OF ENVIRONMENTAL DEED RESTRICTIONS ON HAMILTON PARK, BLOCK 283.1, LOT 1

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the City of Jersey City is the owner of Hamilton Park, designated on the City's Official Tax Map as Block 283.1, Lot 1 [Property]; and

WHEREAS, during the course of constructing certain improvements to the Property, it was determined that the Property was contaminated in part with lead, arsenic, polynuclear aromatic hydrocarbons, and benzopyrene and benzoanthracene; and

WHEREAS, the City of Jersey City performed site and soil remediation on the Property in accordance with New Jersey Department of Environmental Protection Technical Requirements; and

WHEREAS, because contaminants will remain in certain areas of the Property, above New Jersey Department of Environmental Protection standards, the City of Jersey City must agree to restrict the use of the Property, preserve the environmental remediation actions performed on the Property and otherwise subject the Property to certain statutory and regulatory controls; and

WHEREAS, in order to implement the necessary statutory and regulatory controls, and to ensure their potential endurance, the City of Jersey City is required to execute and record a Deed Notice affecting the Property.

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 Deed Notice to impose certain environmental controls and use restrictions on Hamilton Park, Block 283.1, Lot 1.
2. The Deed Notice shall be in substantially the form attached hereto, subject to such modification as the Business Administrator or the Corporation Counsel deems necessary or appropriate; and
3. The Mayor or Business Administrator is authorized to execute any other documents necessary or appropriate to effectuate the purposes of the within ordinance.

JM/he
7/07/10

APPROVED AS TO LEGAL FORM

Paul Raloff
Corporation Counsel

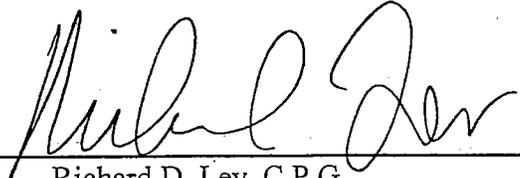
APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required

Not Required

Prepared by:


Richard D. Lev, C.P.G

Recorded by:

[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the ____th day of _____, 2010, by the City of Jersey City, 280 Grove Street, Jersey City, NJ 07302 (together with his/her/its/their successors and assigns, collectively "Owner").

1. **THE PROPERTY.** The City of Jersey City, 280 Grove Street, Jersey City, NJ 07302 is the owner in fee simple of certain real property located at 25 West Hamilton Place (Hamilton Park) designated as Block 283.1 Lot 1 on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 505150; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. **DEPARTMENT'S ASSIGNED BUREAU.** The Bureau of Northern Field Operations was the New Jersey Department of Environmental Protection program that was responsible for the oversight of the remediation of the Property. The matter was NJDEP Preferred ID No. 505150, and Case No. 09-06-29-1610-04.

3. **SOIL CONTAMINATION.** The City of Jersey City has remediated contaminated soil at the Property, and the New Jersey Department of Environmental Protection approved a remedial action on October 9, 2009, such that soil contamination remains in certain areas of the Property which contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. **CONSIDERATION.** In accordance with the New Jersey Department of Environmental Protection's approval of the remedial action work plan for the remediation of the site which included the Property, and in consideration of the terms and conditions of that approval, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the

restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of these contaminants, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental enforcement officials.

5B. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C.

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 the Department of Environmental Protection. 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 the Department of Environmental Protection, 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, the Department of Environmental Protection's express written consent is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection 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;

(B) 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;

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

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

(E) Submits a written report, describing the alteration, improvement, or disturbance, to the Department of Environmental Protection within sixty (60) calendar days after the end of each alteration, improvement, or disturbance. The owner, lessee or operator 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 owner, lessee, or operator shall submit the report 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 the Department of Environmental Protection 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 the Department of Environmental Protection when the emergency has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

v. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides a written report to the Department of Environmental Protection 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 reoccurrence of such conditions in the future. The owner, lessee, or operator shall submit the report 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]

7A. MONITORING AND MAINTENANCE OF DEED NOTICE, AND PROTECTIVENESS CERTIFICATION. The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the persons responsible for conducting the remediation, the Owner, and the subsequent owners, lessees, and operators, shall monitor and maintain this Deed Notice, and certify to the Department on a biennial basis that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain the deed notice shall include all of the following:

i. Monitoring and maintaining this Deed Notice according to the requirements in Exhibit C, to ensure that the remedial action that includes the Deed Notice continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the site prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment.

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes this Deed Notice, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded;

7B. MONITORING AND MAINTENANCE OF ENGINEERING CONTROLS, AND PROTECTIVENESS CERTIFICATION. The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the person responsible for conducting the remediation, and, the Owner, and the subsequent owners, lessees, and operators, shall maintain all engineering controls at the Property and certify to the Department on a biennial basis that the remedial action of which each engineering control is a part remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their

ownership, tenancy, or operation. The specific obligations to monitor and maintain the engineering controls shall include the following:

i. Monitoring and maintaining each engineering control according to the requirements in Exhibit C, to ensure that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes the engineering control remains protective of the public health and safety and of the environment.

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes the engineering control, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded.

8. ACCESS. The Owner and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if persons responsible for monitoring the protectiveness of the remedial action, as described in Paragraph 7, above, fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

9. NOTICES.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas 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 and all subsequent owners and lessees shall notify any person intending to conduct invasive work or excavate within the Restricted Areas at the Property, including, without limitation, tenants, employees of tenants, and contractors of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

iii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection 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 Restricted Area.

iv. The Owner and the subsequent owners shall provide written notice to the Department within thirty (30) calendar days following the owner's petition for or filing of any document initiating a rezoning of the Property. The Owner and the subsequent owners 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.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department 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.

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 though 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 shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

13. MODIFICATION AND TERMINATION.

i. Any person may request in writing, at any time, that the Department 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. Any person may request in writing, at any time, that the Department 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 the Department, in the office of the Hudson County Register Deed and Mortgages, New Jersey, expressly modifying or terminating this Deed Notice.

14A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

- i. i. Exhibit A-1: A Site Vicinity Map that identifies, by name, the roads and other important geographical features in the vicinity of the Property is provided in Exhibit A-1.
- ii. ii. Exhibit A-2: A Tax Map that identifies the property and neighboring lots is provided as Exhibit A-2.
- iii. iii. Exhibit A-3: Metes and Bounds Description - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;
- iv. Exhibit A-4: Property Map - A scaled map of the 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; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

14B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, ground water monitoring wells, and ground water pumping system;

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes:

(A) Sample location designation from Restricted Area map (Exhibit B-1);

(B) Sample elevation based upon mean sea level;

(C) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(D) The restricted and unrestricted use standards for each contaminant in the table; and

(E) The remaining concentration of each contaminant at each sample location at each elevation (or if historic fill, include data from the Department's default concentrations at N.J.A.C. 7:26E-4.6, Table 4-2).

14C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those describe above, as follows:

(A) General Description of this Deed Notice:

(1) Description and estimated size of the Restricted Areas as described above;

(2) Description of the restrictions on the Property by operation of this Deed Notice; and

(3) The objective of the restrictions.

(B) Description of the monitoring necessary to determine whether:

(1) Any disturbances of the soil in the Restricted Areas did not result in the unacceptable exposure to the soil contamination;

(2) There have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;

(3) The current land use on the Property is consistent with the restrictions in this Deed Notice;

(4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and

(5) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) Land use at the Property is consistent with the restrictions in this Deed Notice; and

(3) The remedial action that includes this Deed Notice continues to be protective of the public health and safety and of the environment.

ii. Exhibit C-2: Concrete Slabs and Sidewalks: Exhibit C-2 includes a narrative description of concrete slabs and sidewalks as follows:

(A) General Description of the engineering control:

(1) Description of the engineering control;

(2) The objective of the engineering control; and

(3) How the engineering control is intended to function.

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/ performance of this engineering control; and

(6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continue to operate as designed; and

(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

iii. Exhibit C-3: Asphalt Pavement: Exhibit C-3 includes a narrative description of asphalt pavement as follows:

(A) General Description of the engineering control:

(1) Description of the engineering control;

(2) The objective of the engineering control; and

(3) How the engineering control is intended to function.

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/ performance of this engineering control; and

(6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continue to operate as designed; and

(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

iv. Exhibit C-4: Landscaped Soil Areas: Exhibit C-4 includes a narrative description of landscaped soil and stone cap areas as follows:

(A) General Description of the engineering control:

(1) Description of the engineering control;

(2) The objective of the engineering control; and

(3) How the engineering control is intended to function.

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/ performance of this engineering control; and

(6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continue to operate as designed; and

(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

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

ATTEST:

City of Jersey City

By _____

[Print name and title]

[Signature]

STATE OF NEW JERSEY
COUNTY OF HUDSON

SS.:

I certify that on _____, 2010, _____
[Name of person executing document on behalf of Owner]
personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the _____ of City of Jersey City,
[secretary/assistant secretary]
the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper
corporate officer who is the [president/vice president] of the corporation;

(c) this document was signed and delivered by the corporation as its voluntary act and was
duly authorized;

(d) this person knows the proper seal of the corporation 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 _____, 2010

_____, Notary Public

[Print name and title]

EXHIBITS

EXHIBIT A- MAPS OF PROPERTY AND VICINITY

EXHIBIT A-1: VICINITY MAP

EXHIBIT A-2: TAX MAP

EXHIBIT A-3: METES AND BOUNDS DESCRIPTION

EXHIBIT A-4: PROPERTY MAP

EXHIBIT B- DESCRIPTION OF RESTRICTED AREAS

EXHIBIT B-1A TO B-1D: RESTRICTED AREA MAPS

EXHIBIT B-2: RESTRICTED AREA DATA TABLE

EXHIBIT B-3: CROSS SECTION OF ENGINEERING CONTROLS

EXHIBIT C – NARRATIVE DESCRIPTION OF INSTITUTIONAL CONTROLS

EXHIBIT C-1: DEED NOTICE AS INSTITUTIONAL CONTROL

EXHIBIT C-2: CONCRETE SLABS AND SIDEWALKS AS ENGINEERING CONTROL

EXHIBIT C-3: ASPHALT PAVEMENT AS ENGINEERING CONTROL

EXHIBIT C-4: LANDSCAPED SOIL AND STONE CAP AREAS AS
ENGINEERING CONTROL

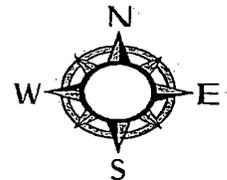
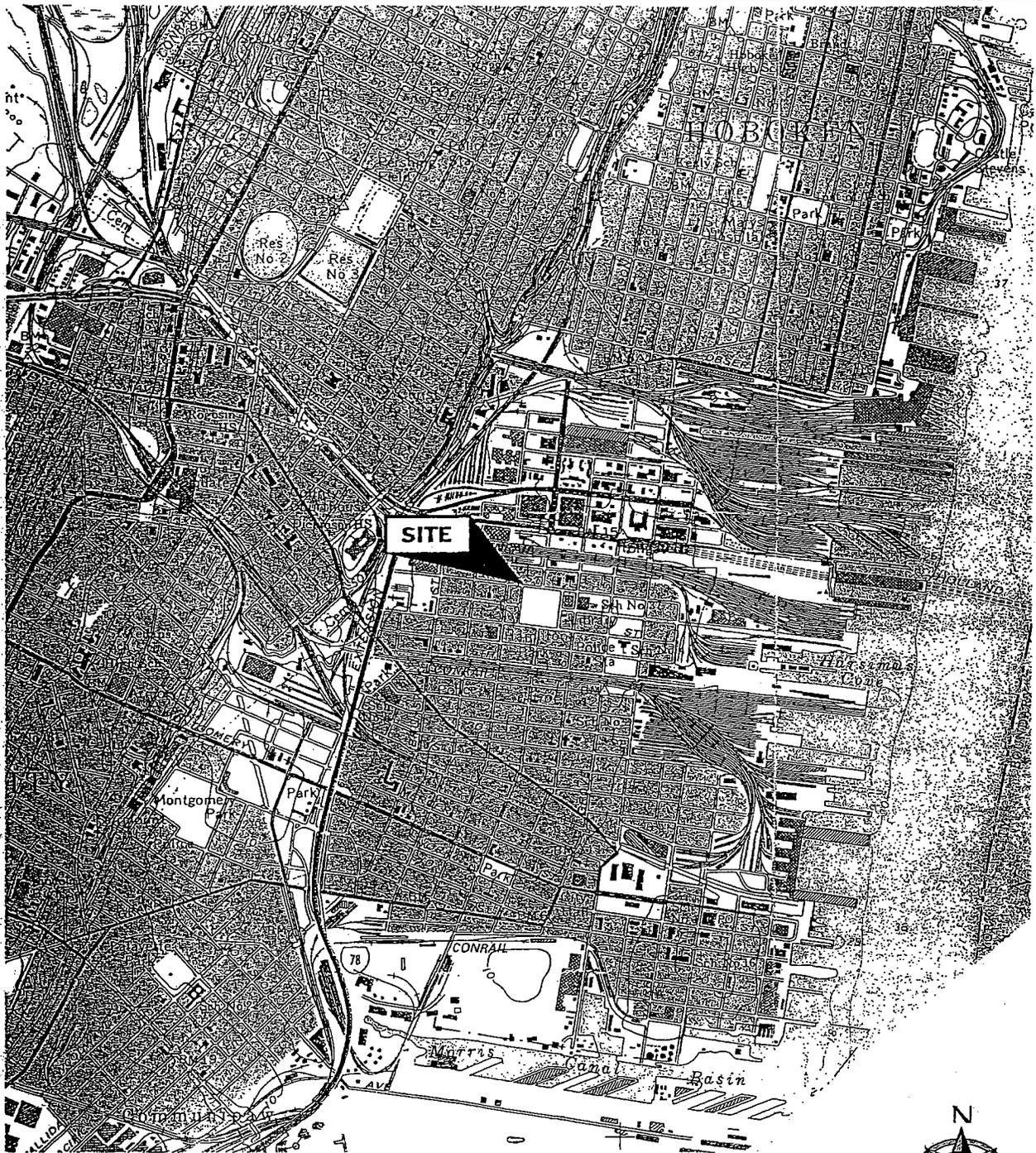
EXHIBIT A
MAPS OF PROPERTY AND VICINITY

Exhibit A-1: Vicinity Map

Exhibit A-2 Tax Map

Exhibit A-3 Metes and Bounds Description

Exhibit A-4 Property Map



FROM: "Jersey City, NJ-NY Quadrangle, 7.5 Minute Series (Topographic)" USGS, 1967, Photorevised 1981.



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(908) 356-3400

VICINITY MAP

DEED NOTICE

BLOCK 283.1, LOT 1

JERSEY CITY, HUDSON COUNTY, NEW JERSEY
CITY OF JERSEY CITY

JOB NO.
5177-009*1E

FILE NO.
24200

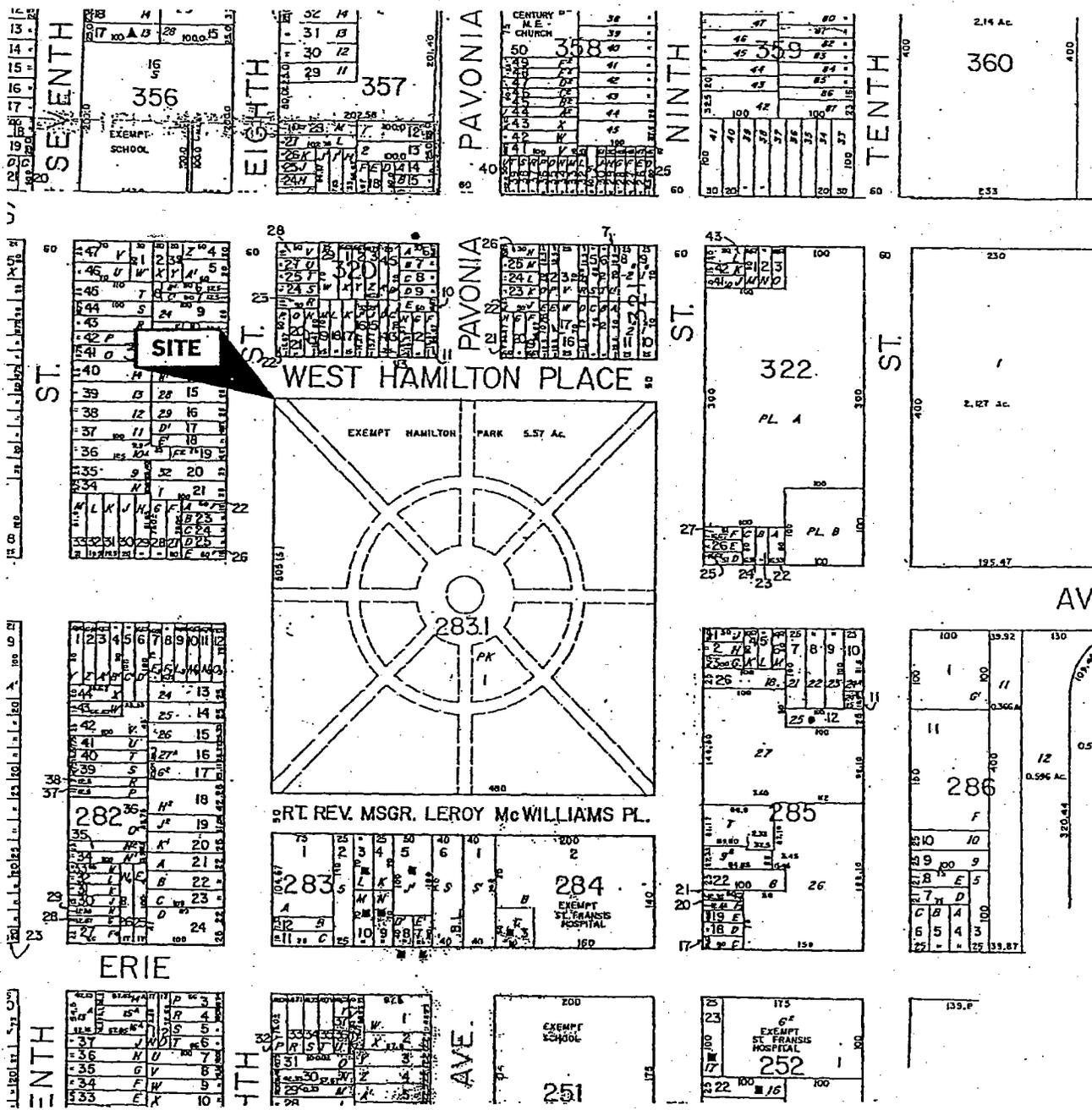
DR. BY
TE

CHK. BY
RDL

DATE
8-24-09

SCALE
1" = 2000'

EXHIBIT
A-1



Ref. Jersey City Tax Map, 1977.



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (908) 356-3400

TAX MAP
DEED NOTICE
BLOCK 283.1, LOT 1
JERSEY CITY, HUDSON COUNTY, NEW JERSEY
CITY OF JERSEY CITY

JOB NO.
 5177-009*1E

FILE NO.
 24200

DR. BY
 TE

CHK. BY
 RDL

DATE
 8-24-09

SCALE
 1" = 200'

EXHIBIT
 A-2

METES AND BOUNDS DESCRIPTION
HAMILTON PARK
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

BEGINNING at the intersection of the northerly line of Eighth Street with the westerly line of Rev. McWilliams Place (formerly East Hamilton Place), said point being marked by a set survey cap in concrete sidewalk, thence;

1. Along said line of Eighth Street, N83° 48' 58"W, a distance of 490.52 feet to the intersection of said line with the easterly line of West Hamilton Place, said point being marked by a set survey cap in concrete sidewalk, thence;
2. Along said line of West Hamilton Place N06° 21' 02"E, a distance of 482.31 feet to the intersection of said line with the southerly line of Ninth Street, said point being marked by a set survey cap in concrete sidewalk, thence;
3. Along said line of Ninth Street S83° 40' 41"E, a distance of 490.52 feet to the intersection of said line with the above mentioned line of Rev. McWilliams Place (formerly East Hamilton Place), said point being marked by a set survey cap in concrete sidewalk, thence;
4. Along said line of Rev. McWilliams Place (formerly East Hamilton Place) S06° 21' 02"W, a distance of 481.13 feet to the POINT AND PLACE OF BEGINNING.

Containing an area of 5.432 acres.



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(908) 356-3400

METES AND BOUNDS DESCRIPTION

DEED NOTICE

BLOCK 283.1, LOT 1

JERSEY CITY, HUDSON COUNTY, NEW JERSEY

CITY OF JERSEY CITY

JOB NO.

5177-009*1E

FILE NO.

24200

DR. BY

TE

CHK. BY

RDL

DATE

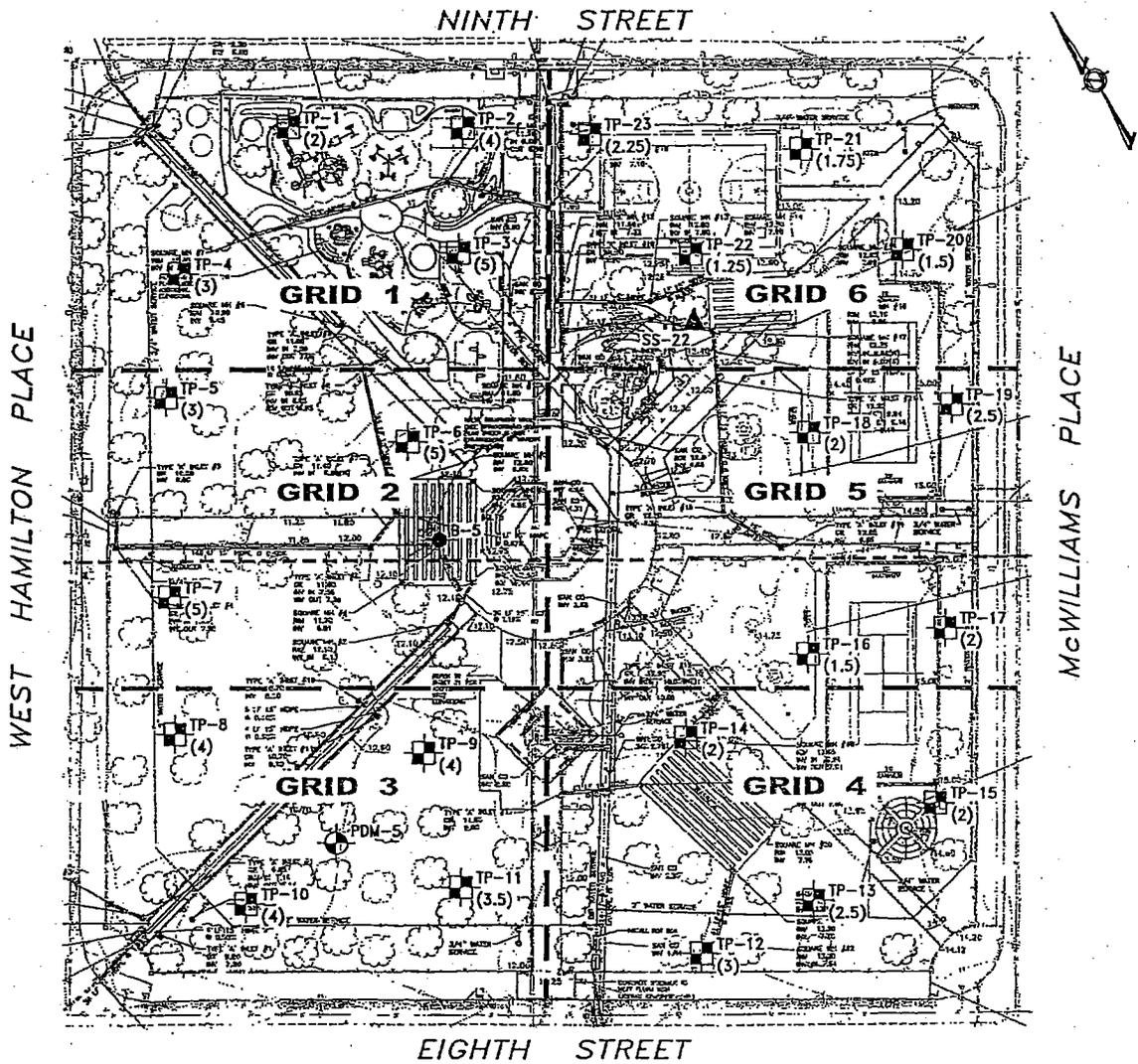
8-24-09

SCALE

NA

EXHIBIT

A-3



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (908) 356-3400

PROPERTY MAP

DEED NOTICE
 BLOCK 283.1, LOT 1
 JERSEY CITY, HUDSON COUNTY, NEW JERSEY
 CITY OF JERSEY CITY

JOB NO.
 5177-009*1E

FILE NO.
 24200

DR. BY
 TE

CHK BY
 RDL

DATE
 8-24-09

SCALE
 1" = 100'

EXHIBIT
 A-4

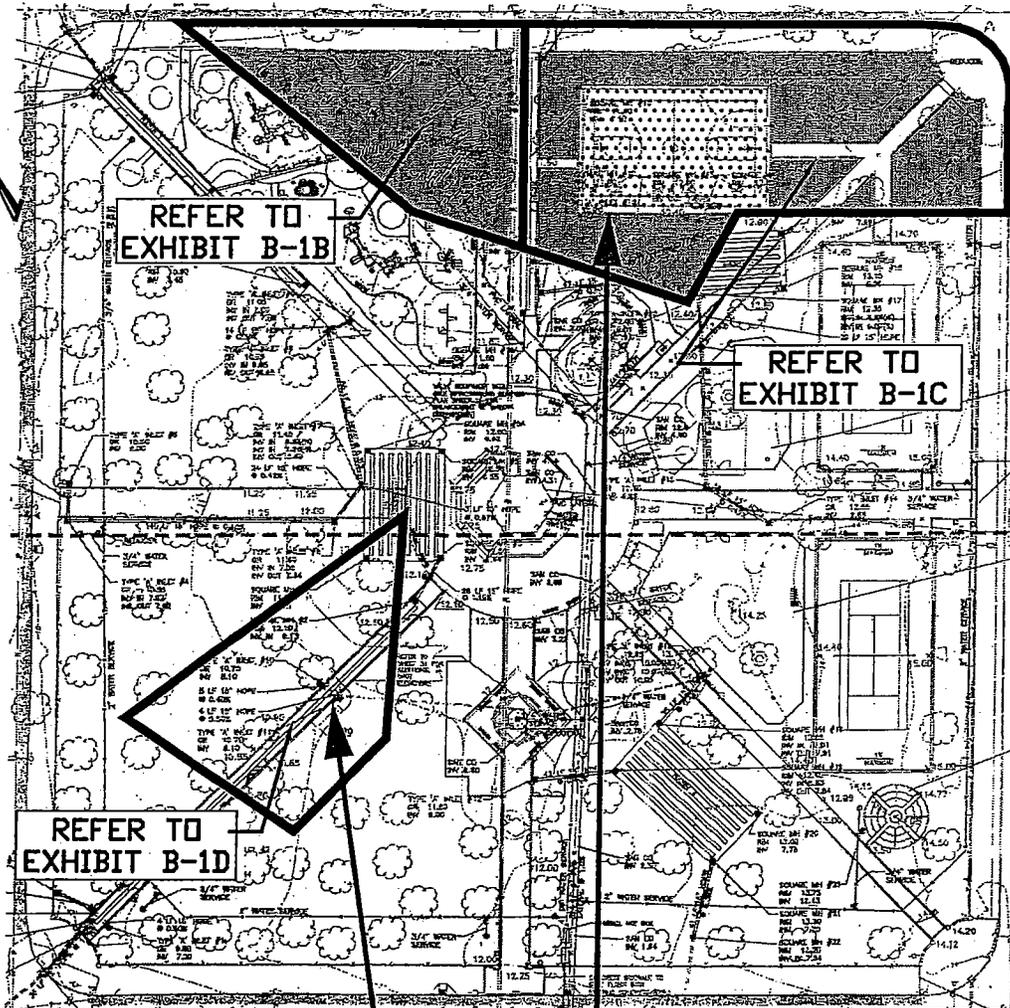
EXHIBIT B
DESCRIPTION OF RESTRICTED AREAS

Exhibit B-1A to B-1D	Restricted Area Maps (Overview and Details)
Exhibit B-2	Restricted Area Data Plan
Exhibit B-3	Restricted Area Data Table
Exhibit B-4A to B-4C	Cross Section of Engineering Controls

NINTH STREET

McWILLIAMS PLACE

WEST HAMILTON PLACE



RESTRICTED AREA OF LEAD IMPACTED HISTORIC FILL BELOW TOPSOIL

RESTRICTED AREA OF ARSENIC AND PAH IMPACTED TOPSOIL

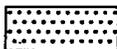
KEY:

ENGINEERING CONTROLS:

CAPPED AREA



CONCRETE SLAB/SIDEWALK/CURB AREA



ASPHALT CAP AREA



SOIL CAP AREA



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(732) 356-3400

RESTRICTED AREA MAP OVERVIEW

DEED NOTICE
BLOCK 283.1, LOT 1
JERSEY CITY, HUDSON COUNTY, NJ
CITY OF JERSEY CITY

JOB NO. 5177-009*1E

FILE NO. 24200

DR. BY DPM

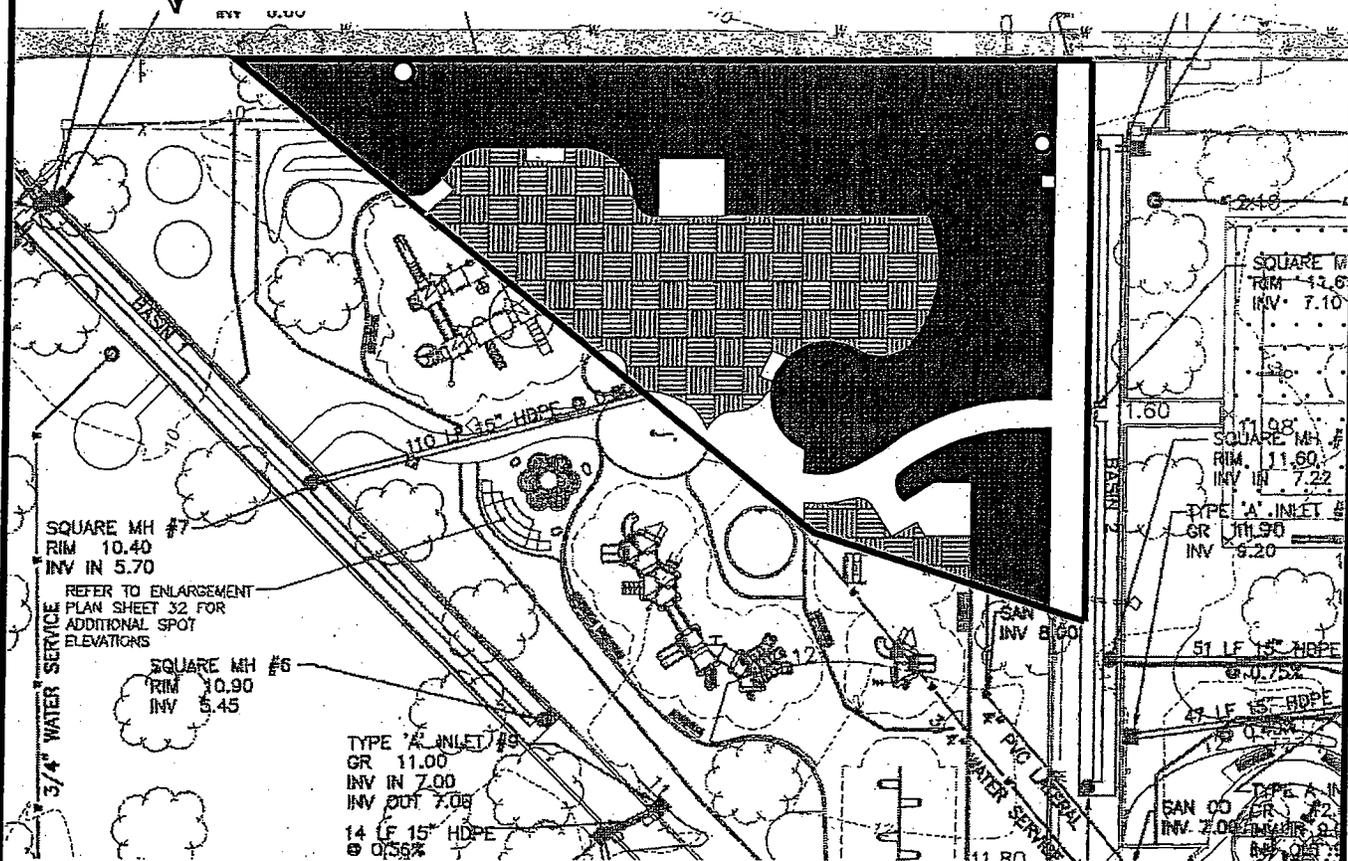
CHK. BY RDL

DATE 6-15-10

SCALE 1"=100'

EXHIBIT B-1A

NINTH STREET



ENGINEERING CONTROLS:

- CONCRETE SLAB/SIDEWALK/CURB AREA
- RUBBER PLAY SURFACE/SOIL/GEOTEXTILE FABRIC CAP AREA
- SOIL/GEOTEXTILE FABRIC CAP AREA
- CONCRETE SONITUBE



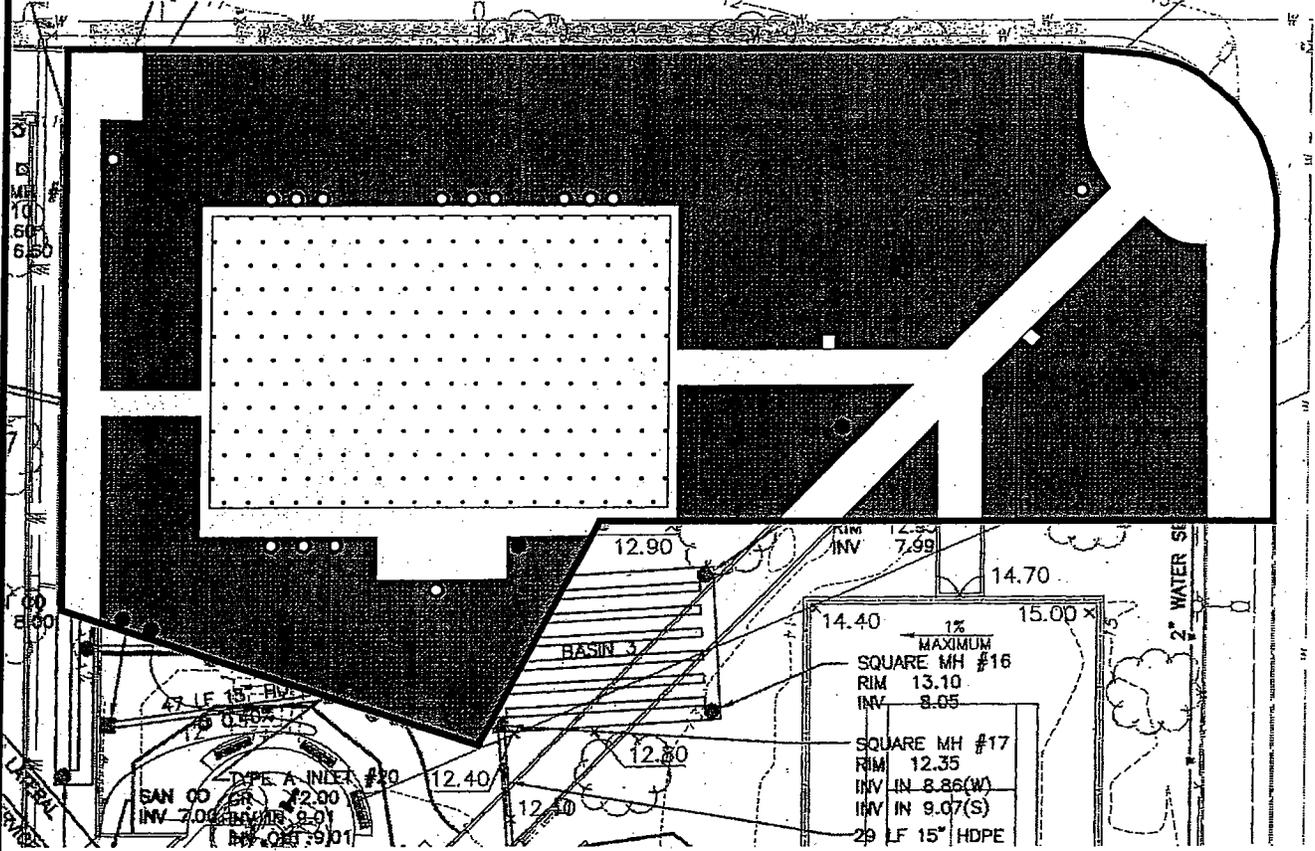
MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

RESTRICTED AREA MAP - DETAIL

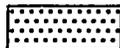
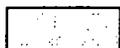
DEED NOTICE
 BLOCK 283.1, LOT 1
 JERSEY CITY, HUDSON COUNTY, NJ
 CITY OF JERSEY CITY

JOB NO. 5177-009*1E	FILE NO. 24200	DR. BY DPM	CHK. BY RDL	DATE 6-15-10	SCALE 1"=40'	EXHIBIT B-1B
------------------------	-------------------	---------------	----------------	-----------------	-----------------	-----------------

NINTH STREET



ENGINEERING CONTROLS:

- | | | | |
|---|----------------------------------|---|---|
|  | ASPHALT CAP AREA |  | RUBBER PLAY SURFACE/SOIL/GEOTEXTILE FABRIC CAP AREA |
|  | CONCRETE SLAB/SIDEWALK/CURB AREA |  | CONCRETE SONITUBE |
|  | SOIL/GEOTEXTILE FABRIC CAP AREA |  | METAL UTILITY COVER |



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

RESTRICTED AREA MAP - DETAIL

DEED NOTICE
 BLOCK 283.1, LOT 1
 JERSEY CITY, HUDSON COUNTY, NJ
 CITY OF JERSEY CITY

JOB NO. 5177-009*1E

FILE NO. 24200

DR. BY
DPM

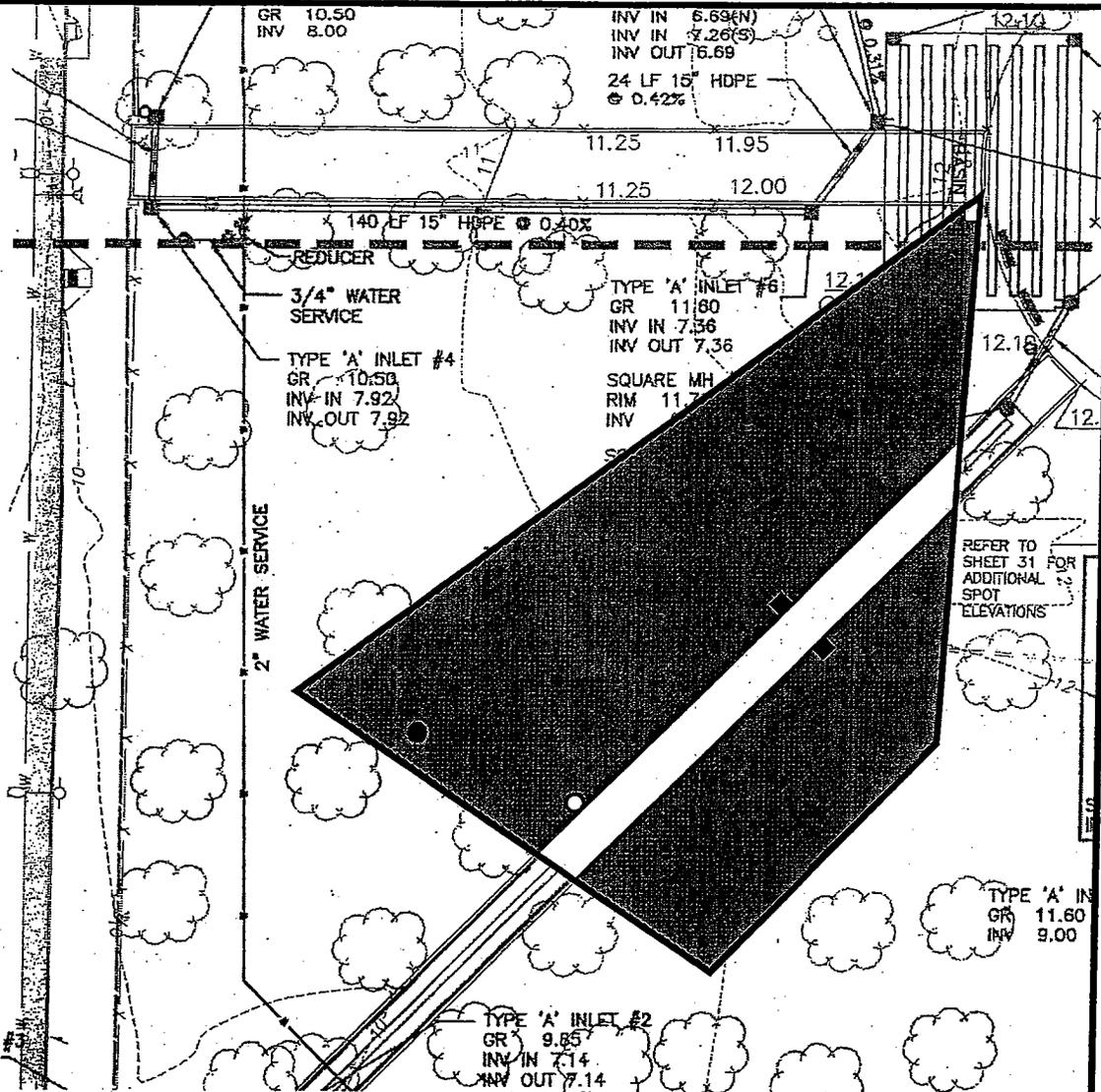
CHK. BY
RDL

DATE
6-15-10

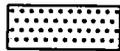
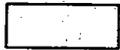
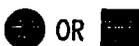
SCALE
1"=40'

EXHIBIT
B-1C

WEST HAMILTON PLACE



ENGINEERING CONTROLS:

-  ASPHALT CAP AREA
-  RUBBER PLAY SURFACE/SOIL/GEOTEXTILE FABRIC CAP AREA
-  CONCRETE SLAB/SIDEWALK/CURB AREA
-  CONCRETE SONITUBE
-  SOIL/GEOTEXTILE FABRIC CAP AREA
-  OR  METAL UTILITY COVER



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

RESTRICTED AREA MAP - DETAIL

DEED NOTICE
 BLOCK 283.1, LOT 1
 JERSEY CITY, HUDSON COUNTY, NJ
 CITY OF JERSEY CITY

JOB NO. 5177-009*1E

FILE NO. 24200

DR. BY
DPM

CHK. BY
RDL

DATE
6-15-10

SCALE
1"=40'

EXHIBIT
B-1D

Sample Location	TP-1		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.217	0.2	0.61

Sample Location	TP-23		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)anthracene	3.82	0.6	0.60
Benzo(b)fluoranthene	2.84	0.6	0.72
Benzo(a)pyrene	3.19	0.2	0.61
Indeno(123-cd)pyrene	1.91	0.6	0.27
Dibenz(ah)anthracene	0.631	0.2	0.25
Arsenic	23.4	19	10

Sample Location	TP-21		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.333	0.2	0.61
Arsenic	25.9	19	10

Sample Location	TP-2		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.252	0.2	0.61
Arsenic	22.1	19	10

Sample Location	TP-23		
Sample Depth (ft.)	1.0-1.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.260	0.2	0.61

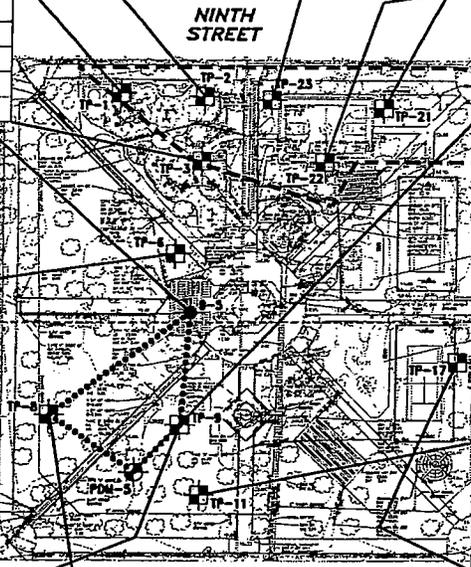
Sample Location	TP-22		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Dibenz(ah)anthracene	0.666	0.2	0.25

Sample Location	TP-3		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.503	0.2	0.61

Sample Location	TP-3		
Sample Depth (ft.)	2.0-2.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)anthracene	0.963	0.6	0.60
Benzo(a)pyrene	0.376	0.2	0.61

Sample Location	PDM-5		
Sample Depth (ft.)	2.5-3.0		
ANALYTE	Concentration in PPM	"A"	"B"
Lead	604	400	138.9

Sample Location	B-5		
Sample Depth (ft.)	Fill Composite		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.227	0.2	0.61
Lead	2,540	400	138.9



Sample Location	TP-6		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.208	0.2	0.61

Sample Location	TP-11		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.212	0.2	0.61

Sample Location	TP-6		
Sample Depth (ft.)	2.5-3.0		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.204	0.2	0.61

Sample Location	TP-11		
Sample Depth (ft.)	1.0-1.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.415	0.2	0.61

Sample Location	TP-9		
Sample Depth (ft.)	2.5-3.0		
ANALYTE	Concentration in PPM	"A"	"B"
Lead	581	400	138.9

Sample Location	TP-8		
Sample Depth (ft.)	2.5-3.0		
ANALYTE	Concentration in PPM	"A"	"B"
Lead	1,220	400	138.9

Sample Location	TP-17		
Sample Depth (ft.)	0.0-0.5		
ANALYTE	Concentration in PPM	"A"	"B"
Benzo(a)pyrene	0.418	0.2	0.61

KEY:

Sample Location			
Sample Depth (ft.)			
ANALYTE	Concentration in PPM	"A"	"B"

"A" NJDEP RESIDENTIAL DIRECT CONTACT SOIL REMEDIATION STANDARD

"B" MEAN AMBIENT BACKGROUND LEVELS FOR PAHS AND METALS IN URBAN PIEDMONT SOILS (NJDEP, 1997)

RESTRICTED AREA OF ARSENIC AND PAH IMPACTED TOPSOIL

RESTRICTED AREA OF LEAD IMPACTED HISTORIC FILL BELOW TOPSOIL



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

RESTRICTED AREA DATA PLAN

DEED NOTICE
 BLOCK 283.1, LOT 1
 JERSEY CITY, HUDSON COUNTY, NJ
 CITY OF JERSEY CITY

JOB NO. 5177-009*1E

FILE NO. 24200

DR. BY DPM

CHK. BY RDL

DATE 6/15/2010

SCALE 1"=200'

EXHIBIT B-2

EXHIBIT B-3
RESTRICTED AREA DATA TABLE
DEED NOTICE
BLOCK 283.1, LOT 1
CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY
CASE #09-06-29-1610-04

Location	Contaminant	CAS Number	Sample Elevation (feet above mean sea level)	Concentration (ppm)	NJDEP RDCSRS (ppm) (1)	NJDEP Historic Fill Database Values (2) (ppm)	
						Maximum	Average
TP-1	Benzo(a)pyrene	50-32-8	11	0.217	0.2	120	1.89
TP-2	Arsenic	7440-38-2	11	22.1	19	1,098	13.15
TP-2	Benzo(a)pyrene	50-32-8	11	0.252	0.2	120	1.89
TP-3	Benzo(a)pyrene	50-32-8	10.5	0.503	0.2	120	1.89
TP-3	Benzo(a)anthracene	56-55-3	9	0.963	0.6	160	1.37
TP-3	Benzo(a)pyrene	50-32-8	9	0.376	0.2	120	1.89
TP-6	Benzo(a)pyrene	50-32-8	11	0.208	0.2	120	1.89
TP-6	Benzo(a)pyrene	50-32-8	8.5	0.204	0.2	120	1.89
B-5	Benzo(a)pyrene	50-32-8	10	0.227	0.2	120	1.89
B-5	Lead	7439-92-1	10	2,540	400	10,700	574
TP-8	Lead	7439-92-1	8	1,220	400	10,700	574
TP-9	Lead	7439-92-1	9	581	400	10,700	574
PDM-5	Lead	7439-92-1	8	604	400	10,700	574
TP-11	Benzo(a)pyrene	50-32-8	11	0.212	0.2	120	1.89
TP-11	Benzo(a)pyrene	50-32-8	10	0.415	0.2	120	1.89
TP-17	Benzo(a)pyrene	50-32-8	13	0.418	0.2	120	1.89
TP-21	Benzo(a)pyrene	50-32-8	13	0.333	0.2	120	1.89
TP-21	Arsenic	7440-38-2	13	25.9	19	1,098	13.15
TP-22	Dibenz(ah)anthracene	53-70-3	12.5	0.666	0.2	25	1.24
TP-23	Benzo(a)anthracene	56-55-3	12	3.82	0.6	160	1.37
TP-23	Benzo(b)fluoranthene	205-99-2	12	2.84	0.6	110	1.91
TP-23	Benzo(a)pyrene	50-32-8	12	3.19	0.2	120	1.89
TP-23	Indeno(123-cd)pyrene	193-39-5	12	1.91	0.6	67	1.41
TP-23	Dibenz(ah)anthracene	53-70-3	12	0.631	0.2	25	1.24
TP-23	Arsenic	7440-38-2	12	23.4	19	1,098	13.15
TP-23	Benzo(a)pyrene	50-32-8	11	0.260	0.2	120	1.89

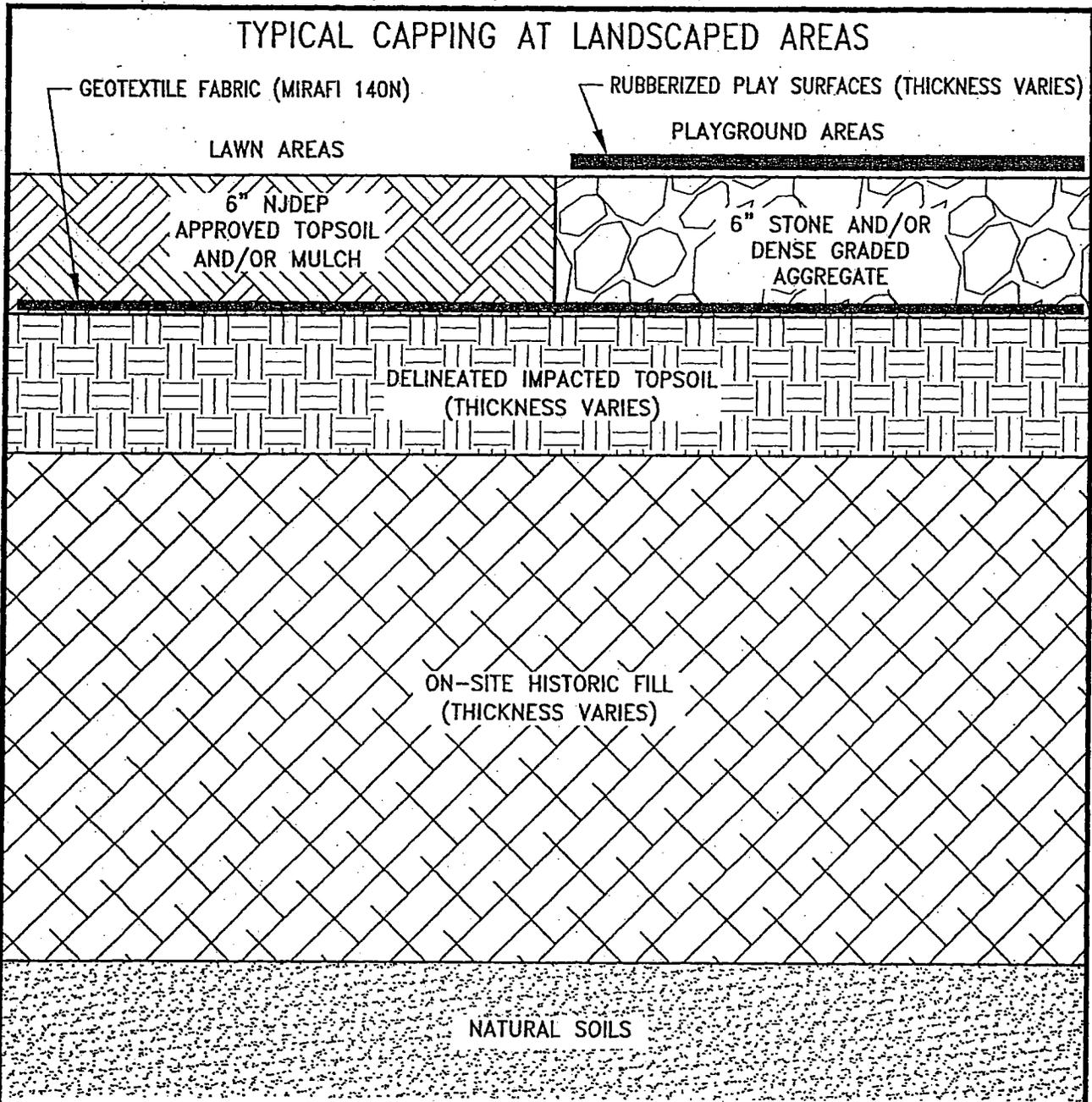
Notes:

ppm parts per million

(1) RDCSRS = Residential Direct Contact Soil Remediation Standards

(3) 7:26E-4.6(b) 3, Table 4-2

TYPICAL CAPPING AT LANDSCAPED AREAS



NOTES:

1. This drawing is part of Melick-Tully and Associates, P.C. Report No. 5177-009*1E and should be read together with the report for complete evaluation.
2. General layout was obtained from an unlabeled drawing provided by the client.



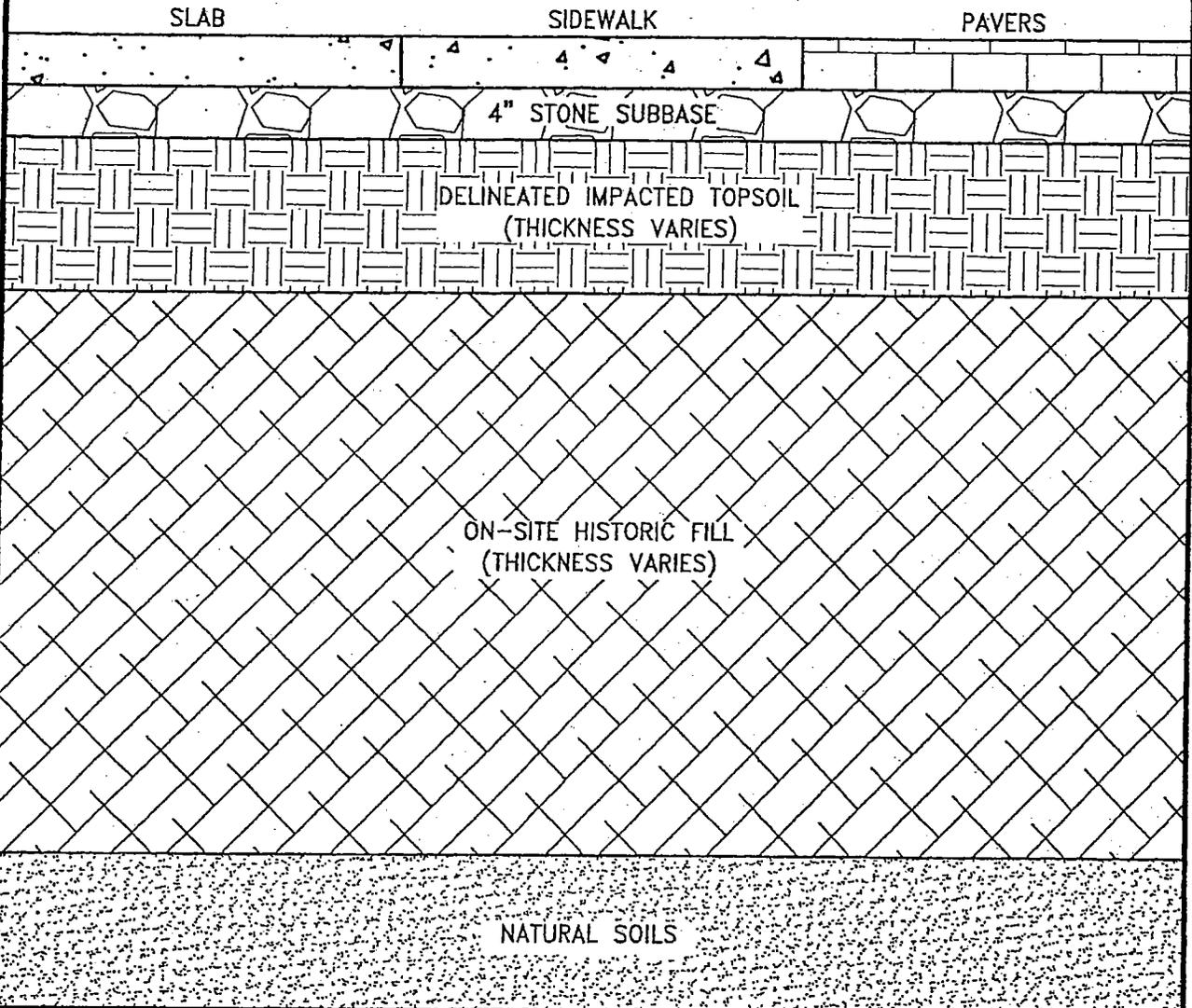
MELICK-TULLY AND ASSOCIATES, P.C.
Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(732) 356-3400

CROSS-SECTION OF ENGINEERING CONTROLS

DEED NOTICE
BLOCK 283.1, LOT 1
JERSEY CITY, HUDSON COUNTY, NJ
CITY OF JERSEY CITY

JOB NO. 5177-009*1E	FILE NO. 24200	DR. BY VJD	CHK. BY RDL	DATE 8-29-09	SCALE NTS	EXHIBIT B-4A
------------------------	-------------------	---------------	----------------	-----------------	--------------	-----------------

TYPICAL CAPPING AT CONCRETE SLAB/SIDEWALK AREAS



NOTES:

1. This drawing is part of Melick-Tully and Associates, P.C. Report No. 5177-009*1E and should be read together with the report for complete evaluation.
2. General layout was obtained from an unlabeled drawing provided by the client.



MELICK-TULLY AND ASSOCIATES, P.C.
 Geotechnical Engineers
 & Environmental Consultants
 117 Canal Road
 South Bound Brook, New Jersey 08880
 (732) 356-3400

CROSS-SECTION OF ENGINEERING CONTROLS

DEED NOTICE
 BLOCK 283.1, LOT 1
 JERSEY CITY, HUDSON COUNTY, NJ
 CITY OF JERSEY CITY

JOB NO. 5177-009*1E

FILE NO. 24200

DR. BY
 VJD

CHK. BY
 RDL

DATE
 8-29-09

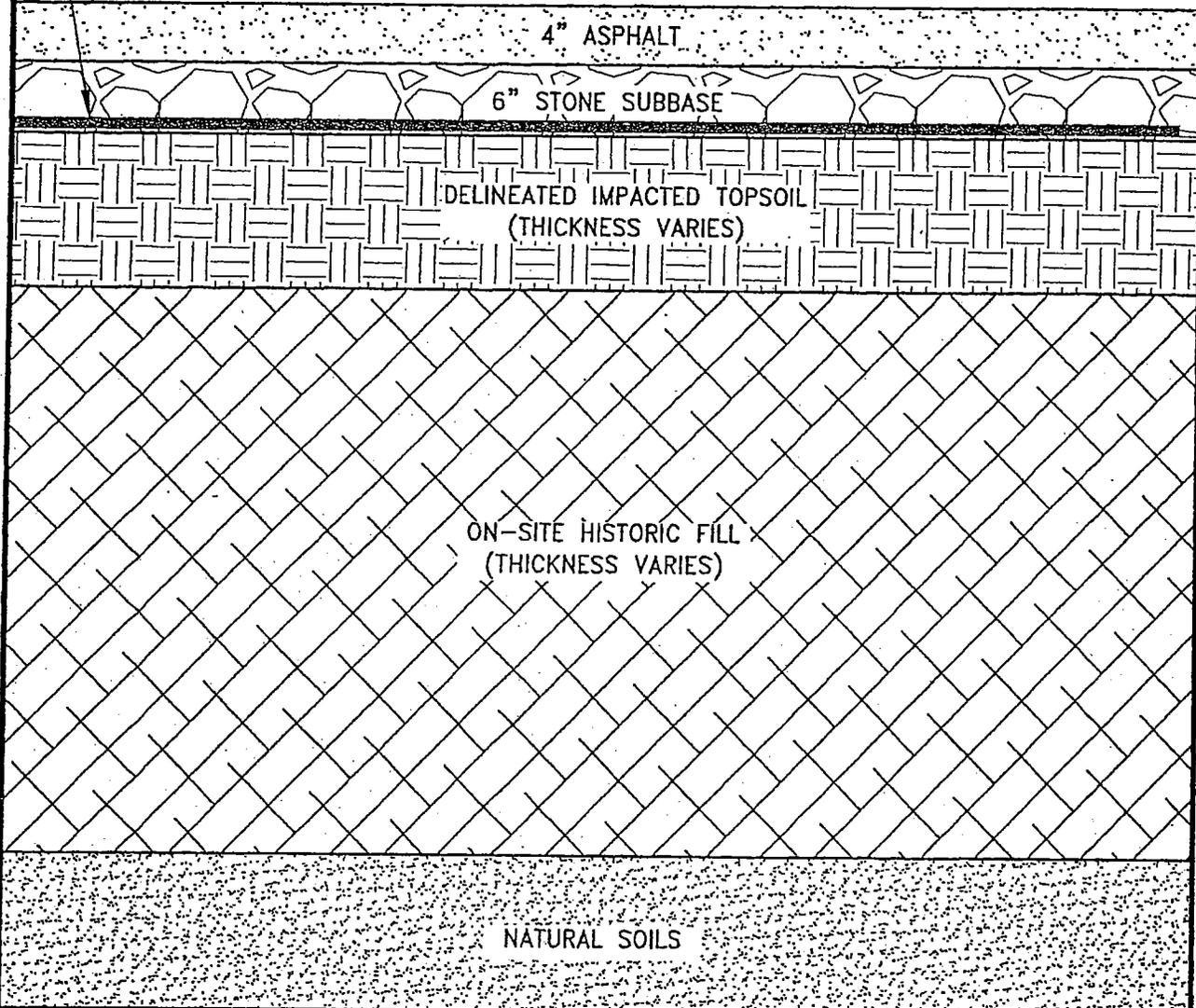
SCALE
 NTS

EXHIBIT
 B-4B

TYPICAL CAPPING AT ASPHALT CAP AREAS

GEOTEXTILE FABRIC (MIRAFI 140N OR EQUIVALENT)

ASPHALT CAPPED RECREATION AREA



NOTES:

1. This drawing is part of Melick-Tully and Associates, P.C. Report No. 5177-009*1E and should be read together with the report for complete evaluation.

2. General layout was obtained from an unlabeled drawing provided by the client.



MELICK-TULLY AND ASSOCIATES, P.C.

Geotechnical Engineers
& Environmental Consultants
117 Canal Road
South Bound Brook, New Jersey 08880
(732) 356-3400

CROSS-SECTION OF ENGINEERING CONTROLS

DEED NOTICE
BLOCK 283.1, LOT 1
JERSEY CITY, HUDSON COUNTY, NJ
CITY OF JERSEY CITY

JOB NO. 5177-009*1E

FILE NO. 24200

DR. BY
VJD

CHK. BY
RDL

DATE
8-29-09

SCALE
NTS

EXHIBIT
B-4C

EXHIBIT C
NARRATIVE DESCRIPTION OF INSTITUTIONAL CONTROL

- | | |
|--------------------|---|
| Exhibit C-1 | Deed Notice as Institutional Control |
| Exhibit C-2 | Concrete Slabs and Sidewalks as Engineering Controls |
| Exhibit C-3 | Asphalt Pavement as Engineering Control |
| Exhibit C-4 | Landscaped Soil Cap Areas as Engineering Controls |

EXHIBIT C-1

Narrative Description of the Institutional Control on the Property

A) General Description of this Deed Notice:

- 1) The Restricted Areas includes the northern and a portion of the southwestern part of Hamilton Park. The Restricted Areas are shown on Exhibit B-1. The Restricted Area is affected by historic fill materials containing lead, and two polynuclear aromatic hydrocarbons (PAHs), benzo(a)pyrene and benzo(a)anthracene at concentrations above the current NJDEP "Residential Direct Contact" Soil Remediation Standards (RDCSRS). The lead, benzo(a)pyrene and benzo(a)anthracene concentration data is shown on Exhibit B-2. In addition, an area of impacted topsoil containing arsenic, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene and dibenz(a,h)anthracene at concentrations above the current NJDEP RDCSRS.

- 2) The restrictions on the Property are described as follows:

The property has a restricted use due to the presence of lead, arsenic and PAHs above the current RDCSRS. An NJDEP approved cap has been constructed to minimize potential exposure to the historic fill and topsoil materials. The engineering control as described in this Deed Notice shall be properly maintained as described herein. Any proposed land disturbance on the property beyond those required to address and restore emergency conditions is subject to prior review and approval by NJDEP.

B) Description of Necessary Monitoring Requirements:

The Deed Notice requires biennial monitoring to determine whether:

- 1) whether any disturbances of the engineered cap in the Restricted Area resulted in the unacceptable exposure to the on-site soil contamination;
- 2) there have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;
- 3) the current land use on the Property is consistent with the restrictions in this Deed Notice;
- 4) any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and
- 5) any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Description of the following items that will be included in the biennial certification:

- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

- 2) Land use at the property is consistent with the restrictions of this Deed Notice; and
- 3) The remedial action, which includes this Deed Notice, continues to be protective of the public health and the safety of the environment.

EXHIBIT C-2
Narrative Description of the
Engineering Controls on the Property

Concrete Slabs and Sidewalks

A) General Description of the Engineering Control.

1) A description of the engineering control:

The concrete slabs and sidewalks are present within the Restricted Areas of Hamilton Park. The concrete slabs and sidewalks are a minimum of 4 inches in thickness.

2) The objective of the engineering control:

The objective of the engineering control is to encapsulate the Restricted Area to minimize exposure to the on-site historic fill and topsoil materials.

3) The intended function of the engineering control:

The engineering control will function as the concrete surfaces and sidewalks at the site.

B) Description of the operations and maintenance necessary to ensure that:

- 1) Periodic inspections of each engineering control shall be performed by a representative of the property owner to determine the integrity, operability, and effectiveness of the engineering controls;
- 2) Each inspection shall determine whether each engineering control continues as designed and intended to protect the public health and safety and the environment;
- 3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;
- 4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;
- 5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and
- 6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Description of the following items that will be included in the biennial certification:

- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- 2) The engineering controls continue to operate as designed; and
- 3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

EXHIBIT C-3
Narrative Description of the
Engineering Controls on the Property
Asphalt Pavement

A) General Description of the Engineering Control.

1) A description of the engineering control:

The northern Restricted Area at Hamilton Park contains an asphalt paved recreation area. The asphalt pavement is a minimum of 4 inches in thickness.

2) The objective of the engineering control:

The objective of the engineering control is to encapsulate the Restricted Area to minimize exposure to the on-site historic fill and topsoil materials.

3) The intended function of the engineering control:

The engineering control will function as a recreational area at the site.

B) Description of the operations and maintenance necessary to ensure that:

- 1) Periodic inspections of each engineering control shall be performed by a representative of the property owner to determine the integrity, operability, and effectiveness of the engineering controls;
- 2) Each inspection shall determine whether each engineering control continues as designed and intended to protect the public health and safety and the environment;
- 3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;
- 4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;
- 5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and
- 6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Description of the following items that will be included in the biennial certification:

- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- 2) The engineering controls continue to operate as designed; and
- 3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

EXHIBIT C-4
Narrative Description of the
Engineering Controls on the Property
Landscaped Soil Cap Areas

A) General Description of the Engineering Control.

1) A description of the engineering control:

The northern Restricted Area at Hamilton Park contains landscaped soil capped areas. The landscaped soil cap area in the northern Restricted Area of the park is a minimum of 6 inches of clean fill and/or mulch placed upon a layer of geotextile fabric (Mirafi 140N, or equivalent). The Restricted Area in the southwestern portion of Hamilton Park contains landscaped topsoil above historic fill materials.

2) The objective of the engineering control:

The objective of the engineering control is to encapsulate the Restricted Area to minimize exposure to the on-site historic fill materials and area of impacted topsoil.

3) The intended function of the engineering control:

The engineering control will function as landscaped areas at the site.

B) Description of the operations and maintenance necessary to ensure that:

- 1) Periodic inspections of each engineering control shall be performed by a representative of the property owner to determine the integrity, operability, and effectiveness of the engineering controls;
- 2) Each inspection shall determine whether each engineering control continues as designed and intended to protect the public health and safety and the environment;
- 3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;
- 4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;
- 5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of this engineering control; and
- 6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

- C) Description of the following items that will be included in the biennial certification:
- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
 - 2) The engineering controls continue to operate as designed; and
 - 3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

City Clerk File No. Ord. 10-091

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 10-091

TITLE: **ORDINANCE ABOLISHING THE ELLIS ISLAND COMMISSION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City desires to appoint and staff all boards, agencies, and commissions that are authorized by state statutes, are properly constituted, and serve important governmental functions; and

WHEREAS, the City Clerk is responsible for maintaining the list of boards, agencies, and commissions, as well as, the names and terms of individuals serving on same. Through review, it has become evident that certain boards and commissions no longer serve important government functions and have been left unfilled for a number of years. One such defunct commission is the Ellis Island Commission; and

WHEREAS, it is important to City government to maintain and update appointments and terms of service to the various boards, agencies, and commissions in the City, it is also important to do away with entities that no longer serve an important governmental function.

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

- 1. The Ellis Island Commission will now be deleted from the list of boards, agencies, and commissions maintained by the City Clerk.
- 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*.

AV/he
7/07/10

APPROVED AS TO LEGAL FORM

Royal Reddy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: *[Signature]*
Business Administrator

Certification Required

Not Required



CITY OF JERSEY CITY

Office of the City Clerk

280 Grove Street
Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk
Tolonda Griffin-Ross, Deputy City Clerk

Telephone: (201) 547-5150
Fax: (201) 547-5461

The Ellis Island, New Jersey, Commission			
NAME	ADDRESS	WARD	TERM EXPIRES
Cheryl Allen-Munley (5/11/94)	72 Bissell Road Annandale, N.J. 08833		5/10/97
John J. Cronin Resigned (5/11/94)	17 Fairmount Terrace	B	5/10/97
Donato Battista Resigned (5/11/94)	252A North Street	D	5/10/97
Peter T.D. Murphy (5/11/94)	18 W. Hamilton Pl.	E	5/10/97
Joan D. Lovero Resigned (5/11/94)	74 Suburbia Court	A	5/10/97
Samuel Sutphen Resigned (5/25/94)	22 Highland Avenue	C	5/10/97
Carmelo Sita Resigned (5/25/94)	3218 Kennedy Blvd.	C	5/10/97
Jerramiah T. Healy, Mayor Alternate:	Mayor		5/10/2002
Mariano Vega, Jr., Council Pres. Alternate:	Council Member		5/10/2002

Updated: 7/13/2005

City Clerk File No. Ord. 10-092

Agenda No. 3.0 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 10-092

TITLE: **ORDINANCE ABOLISHING THE HUMAN RIGHTS COMMISSION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City desires to appoint and staff all boards, agencies, and commissions that are authorized by state statutes, are properly constituted, and serve important governmental functions; and

WHEREAS, the City Clerk is responsible for maintaining the list of boards, agencies, and commissions, as well as, the names and terms of individuals serving on same. Through review, it has become evident that certain boards and commissions no longer serve important government functions and have been left unfilled for a number of years. One such defunct board commission is the Human Rights Commission; and

WHEREAS, it is important to City government to maintain and update appointments and terms of service to the various boards, agencies, and commissions in the City, it is also important to do away with entities that no longer serve an important governmental function.

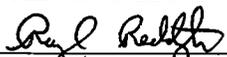
NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. The Human Rights Commission will now be deleted from the list of boards, agencies, and commissions maintained by the City Clerk.
 - 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*.

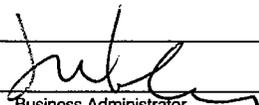
AV/he
7/07/10

APPROVED AS TO LEGAL FORM



Asst. Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required

Not Required



CITY OF JERSEY CITY

Office of the City Clerk

280 Grove Street
Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk
Tolonda Griffin-Ross, Deputy City Clerk

Telephone: (201) 547-5150
Fax: (201) 547-5461

Jersey City Human Rights Commission

NAME	ADDRESS	WARD	TERM EXPIRES
Manoj Kumar Patel - DECEASED (3/11/98)	3152 Kennedy Boulevard	B	1/31/2001
Nari Murjani - DECEASED (4/10/2002)	2555 Kennedy Boulevard	B	1/31/2004
Ada Nieves (1/31/96)	17 Erie Street	E	1/31/99
Joyce Clayborne - RESIGNED (10/5/01)	65 Yale Avenue	B	1/31/2004
Rev. Austin Harrold (9/21/01)	28 Lexington Avenue	B	1/31/2004
Domingo Hornilla, Jr. (3/11/2002)	92 Riverview Road	A	1/31/2005
Vijay Gupta (2/22/96)	2449 Kennedy Blvd.	B	1/31/99
Sallie Anne Porter RESIGNED (9/6/96)	258 Barrow Street	E	1/31/99
Clarence Jones RESIGNED (9/6/96)	331 Forrest Street	F	1/31/99
Ann Tucciarone (2/22/96)	26 Reservoir Avenue	C	1/31/99
Nancy Rivera (10/9/96)	72 Henry Street	C	1/31/98
Rhudella Snelling (1/31/96)	218 Myrtle Avenue	F	1/31/98
Santiago Muzones (3/11/2002)	389 Manila Avenue	E	1/31/2003
Jeanette D. Williams (2/27/2002)	313 9 th Street	E	1/31/2003
Gaudencio J. Soriano (2/27/2002)	36 Cottage Street	C	1/31/2003
Pramodkumar Upadhyay (3/13/00)	320 Fairmount Avenue	B	1/31/2003
Dr. Fouad Shafik (5/30/97)	2210 Kennedy Blvd.	B	1/31/2000

Updated: 5/24/2007

City Clerk File No. Ord. 10-093

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 10-093

TITLE: **ORDINANCE ABOLISHING THE MUNICIPAL DRUG & ALCOHOL ABUSE ALLIANCE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City desires to appoint and staff all boards, agencies, and commissions that are authorized by state statutes, are properly constituted, and serve important governmental functions; and

WHEREAS, the City Clerk is responsible for maintaining the list of boards, agencies, and commissions, as well as, the names and terms of individuals serving on same. Through review, it has become evident that certain boards and commissions no longer serve important government functions and have been left unfilled for a number of years. One such defunct board or commissions is the Municipal Drug & Alcohol Abuse Alliance;

WHEREAS, it is important to City government to maintain and update appointments and terms of service to the various boards, agencies, and commissions in the City, it is also important to do away with entities that no longer serve an important governmental function.

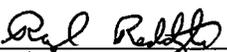
NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. The Municipal Drug & Alcohol Abuse Alliance will now be deleted from the list of boards, agencies, and commissions maintained by the City Clerk.
 - 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*.

AV/he
7/07/10

APPROVED AS TO LEGAL FORM



A.S. Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required

Not Required



CITY OF JERSEY CITY

Office of the City Clerk

280 Grove Street
Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk
Tolonda Griffin-Ross, Deputy City Clerk

Telephone: (201) 547-5150
Fax: (201) 547-5461

Jersey City Municipal Alliance Committee to Combat Drug and Alcohol Abuse

Created by Executive Order: 93-001

NAME	ADDRESS	WARD	TERM
Samuel C. Scott, J.S.C.	1928 Kenn. Boulevard	A	All Members serve at the pleasure of the Mayor
Gail Smith	36 Storms Avenue	F	
Louis Soto Rios	482 Liberty Avenue	D	
Phillip Webb (Resigned)	682 Avenue C, Bayonne, N.J. 07002		Resigned
Marion J. Fritsch	436 Highland Ave., Woodridge, N.J. 07075		
Lila E. White (Resigned)	One Greene St.reet	E	Resigned
Earl Johnson (Resigned)	10 Van Cleef St.	F	Resigned
Julio E. Colon (Resigned)	259 Second Street	E	Resigned
Maureen Dominick Burgess	62 Lehigh Dr., Lincroft, N.J. 07738		
Calvin Hart	61 Merritt Street	A	
Anthony Torres (Resigned 10/7/96)	301 ½ Second St.	E	Resigned 10/7/96
Charles (Mandy) Johnson	48 Roosevelt Ave.	B	
Mark Russoniello	171 Grand Street	E	
Robyn Fisher (Resigned)	8 Erie Street	E	Resigned
Robert Fleming	396 Armstrong Avenue	A	
Robert Misyak	43 College Drive	A	
James Pasquale	331 Webster Ave	D	
Rosemary Viciconti - Deceased	365 Ogden Avenue,	D	Deceased
Donna Cabell	489 Mercer Street	C	

Updated 5/8/2002

City Clerk File No. Ord. 10-094

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 10-094

TITLE: **ORDINANCE ABOLISHING THE MUNICIPAL PORT AUTHORITY**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City desires to appoint and staff all boards, agencies, and commissions that are authorized by state statutes, are properly constituted, and serve important governmental functions; and

WHEREAS, the City Clerk is responsible for maintaining the list of boards, agencies, and commissions, as well as, the names and terms of individuals serving on same. Through review, it has become evident that certain boards and commissions no longer serve important government functions and have been left unfilled for a number of years. One such defunct board or commissions is the Municipal Port Authority; and

WHEREAS, it is important to City government to maintain and update appointments and terms of service to the various boards, agencies, and commissions in the City, it is also important to do away with entities that no longer serve an important governmental function.

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

1. The Municipal Port Authority will now be deleted from the list of boards, agencies, and commissions maintained by the City Clerk.
 - 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*.

AV/he
7/07/10

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required



CITY OF JERSEY CITY

Office of the City Clerk

280 Grove Street
Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk
Tolonda Griffin-Ross, Deputy City Clerk

Telephone: (201) 547-5150
Fax: (201) 547-5461

Municipal Port Authority			
NAME	ADDRESS	WARD	TERM EXPIRES
James Morley (1/8/2003)	6 Suburbia Terrace	A	2/1/2006
Douglas Salters (04/12/95)	28 Duncan Avenue	B	2/1/2000
Jerramiah Healy (1/8/2003)	109 Ferry Street	C	2/1/2004
Harry Melendez (1/27/99)	277 York Street	E	2/1/2003
Barbara Netchert (1/27/99)	299 Pavonia Avenue	E	2/1/2002

Michael Israels, Esq., Attorney

Updated: 1/13/2003

City Clerk File No. Ord. 10-095

Agenda No. 3.6 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 10-095

TITLE: **ORDINANCE ABOLISHING THE TOURIST COMMISSION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City desires to appoint and staff all boards, agencies, and commissions that are authorized by state statutes, are properly constituted, and serve important governmental functions; and

WHEREAS, the City Clerk is responsible for maintaining the list of boards, agencies, and commissions, as well as, the names and terms of individuals serving on same. Through review, it has become evident that certain boards and commissions no longer serve important government functions and have been left unfilled for a number of years. One such defunct commission is the Tourist Commission; and

WHEREAS, it is important to City government to maintain and update appointments and terms of service to the various boards, agencies, and commissions in the City, it is also important to do away with entities that no longer serve an important governmental function.

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

- I. The Tourist Commission will now be deleted from the list of boards, agencies, and commissions maintained by the City Clerk.
- 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*.

AV/he
7/07/10

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required

Not Required



CITY OF JERSEY CITY

Office of the City Clerk

280 Grove Street

Jersey City, New Jersey 07302

Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk
Tolonda Griffin-Ross, Deputy City Clerk

Telephone: (201) 547-5150

Fax: (201) 547-5461

Jersey City Tourist Development Commission

NAME	ADDRESS	WARD	TERM
Ranjan B. Mody (1/8/2003)	625 Summit Avenue	C	3/15/2003
Nancy Gaynor (3/23/94)	31 River Court	E	6/30/97
Michael Vasilakis (1/27/99)	1 Greene Street	E	3/15/99
Charlene Burke (5/25/94)	258 Woodlawn Avenue	A	3/15/96
Michael Yun 4/13/94	366 Central Avenue	D	3/15/96

Updated: 5/6/2004

City Clerk File No. Ord. 10-096
Agenda No. 3.H 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 10-096

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO 110 FIRST STREET URBAN RENEWAL ASSOCIATES, LLC TO CONSTRUCT A LANDSCAPED YARD/PLANTED ENTRANCE AREA EXTENDING APPROXIMATELY 44' WITHIN THE PUBLIC RIGHT OF WAY FOR THE LENGTH OF THE RESIDENTIAL TOWER ON FIRST STREET, LOT WEST A IN BLOCK 109.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, Petitioner is the owner of real property in Jersey City known as 110 First Street and designated Lots West A in Block 109 on the current tax map; and

WHEREAS, Petitioner has filed a petition with the Municipal Council of Jersey City requesting a franchise as shown on a Site Plan prepared by Langan Engineering, giving permission to use certain area, encroaching approximately 44 feet into the public right-of-way of First Street, more particularly described in the metes and bounds descriptions on the survey prepared by Michael J. Fowler from Langan Engineering attached hereto as Exhibit "A," as and for the construction of landscaping and sidewalks as depicted in the site plan; and

WHEREAS, Petitioner has made application to the Municipal Council of Jersey City by written petition for the franchise herein referred to, granting permission to construct landscaping and sidewalks partially in the public right of way; and

WHEREAS, the rights of the public are not injuriously or adversely affected by the requested relief; and

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

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

SECTION 1: Permission is hereby granted to the petitioner, his successors or assigns, to construct landscaping and sidewalks partially in the public right of way as depicted in the Site Plan approved by the City Planning Board.

SECTION 2: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. The City of Jersey City reserves the right to cancel this Ordinance with reasonable cause by giving written notice to the petitioner, his successors or assigns, one year prior to the date of cancellation.

SECTION 3: Only with prior written consent and approval by the City Council of the City of Jersey City, which consent shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION 4: In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, the petitioner, his successors or assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons property by reason of said installations, 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 for the term of this Ordinance and so long as he is in title.

A FRANCHISE ORDINANCE GRANTING PERMISSION TO 110 FIRST STREET URBAN RENEWAL ASSOCIATES, LLC TO CONSTRUCT A LANDSCAPED YARD/PLANTED ENTRANCE AREA EXTENDING APPROXIMATELY 44' WITHIN THE PUBLIC RIGHT OF WAY FOR THE LENGTH OF THE RESIDENTIAL TOWER ON FIRST STREET, LOT WEST A IN BLOCK 109.

The petitioner, his successors or assigns, shall maintain in effect, beginning the installation authorized by franchise, liability insurance naming the City of Jersey City, its officers and employees, as insured, covering the use and occupancy of the franchised portion of First Street and shall provide the Jersey City Risk Manager with a Certificate of Insurance in the amount of \$1,000,000 as evidence thereof.

SECTION 5: 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 work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. After construction there shall remain no damage to the area or interference with the free and safe flow of pedestrian traffic. The petitioner, his successors or assigns, shall maintain all improvements installed by it for the entire term of this franchise at no cost to the City.

SECTION 6: The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by Petitioner.

SECTION 7: The Ordinance shall not be effective unless an acceptance hereof in writing is filed by the Petitioner.

SECTION 8: In the event that the petitioner shall not file with the City Clerk its acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION 9: For the franchise herein granted, the petitioner shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office at City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

SECTION 10: This Franchise Ordinance shall be subject to the following conditions:

- a) An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City or public utility companies', use or operation of water or utility lines.
- b) No building of any kind may be constructed over the water or sewer utilities within the area subject to this franchise without the consent of the Chief Engineer of the City of Jersey City.
- c) All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- d) 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.
- e) This Ordinance shall take effect the same time and in the same manner provided by law.
- f) The City Clerk and the Corporation Counsel are 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 accidental replacement of the existing provisions.

APPROVED AS TO LEGAL FORM

Ray Reddy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: John P. Smith
Business Administrator
Asst.

Certification Required
Not Required

10/8/09

PETITION FOR FRANCHISE ORDINANCE

To: THE HONORABLE MAYOR AND MUNICIPAL COUNCIL OF THE CITY
OF JERSEY CITY, NEW JERSEY

Your Petitioner, 110 First Street Urban Renewal Associates, LLC, the successors or assigns, with offices located at 417 Fifth Avenue, 4th Floor, New York, NY, respectfully says that:

1. The petitioner is the owner of real property in Jersey City known as 110 First Street, designated Lot West A in Block 109 on the current tax map.
2. The lot is presently vacant although petitioner has received Preliminary Site Plan Approval for the construction of a 35 story residential tower.
3. The Jersey City Planning Board approved the Site Plan subject to conditions.
4. Jersey City is seeking to reduce the physical width of First Street in front of petitioner's property
5. The franchise area is approximately 160 feet wide and extends approximately 44 feet onto First Street.
6. A Franchise Agreement granting permission to petitioner to construct landscaping and sidewalks in the right of way is needed.
7. The proposed plan attached has gone through several revisions to accommodate City Planning's comments in order to create an entrance that fits in with the character of neighborhood.
8. WHEREFORE, Petitioner, the successors or assigns, respectfully pray for permission to construct landscaping and sidewalks extending 44' within the public right of way in accord with the Site Plan and a Franchise Ordinance to be adopted by the City Council of the City of Jersey City.

Respectfully submitted,



110 First Street Urban Renewal Associates, LLC
Petitioner

City Clerk File No. Ord. 10-097

Agenda No. 3. I 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 10-097

TITLE: AN FRANCHISE ORDINANCE GRANTING PERMISSION TO JOHN HAJJAR, ITS SUCCESSORS AND ASSIGNS, TO INSTALL AND MAINTAIN AN ELEVATED CANOPY ALONG THE SOUTH SIDE OF GRAND STREET at 631-635 GRAND STREET A/K/A LOT: 18 IN BLOCK: 2058

WHEREAS, the John Hajjar (hereinafter the "Petitioner") as the owner of parcel of property set forth herein, has filed a Petition with the Municipal Council of the City of Jersey City, requesting a franchise within the Franchise Area shown on the survey prepared by Caulfield Associates said Petition, plan survey and legal description of the Franchise Area being on file in the office of the Clerk of the City of Jersey City.

WHEREAS, the Petitioner will construct a three-story medical office building at 631-635 Grand Street which will include a canopy that will encroach onto the adjoining sidewalk along the south side of Grand Street; and

WHEREAS, the canopy is required to provide covered entrance to the building; and

WHEREAS, the Petitioner has represented that the canopy is necessary for covered and egress to and from the building for invitees; and

WHEREAS, the public interest will be served by this Franchise as it will advance the public safety, convenience and welfare; and

WHEREAS, after due notice was given in accordance with the statute, a public hearing was held on the Petition filed by the Petitioner, to install the canopy upon the Franchise Area as previously described herein; and

WHEREAS, the Petitioner has made application to the Municipal Council of the City of Jersey City that:

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

SECTION 1: all "WHEREAS" clauses are acknowledged and confirm as if set forth herein at length.

SECTION 2: Permission is granted to Petitioner, its heirs, successors and assigns, to install a canopy on the south side of Grand Street for the purpose of safe ingress and egress to and from the building located at 631-635 Grand Street within the Franchise Area described in the metes and bounds description attached hereto as Exhibit A.

SECTION 3: All of the work involved in the installation of the ramp shall be done under the supervision of the proper departments of the City of Jersey City. All 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.

SECTION 4: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. The City of Jersey City reserves the right to cancel this Ordinance without cause by giving written notice to the Petitioner one year prior to date of cancellation.

SECTION 5: This Franchise Ordinance shall be subject to the following conditions:

AN FRANCHISE ORDINANCE GRANTING PERMISSION TO JOHN HAJJAR, ITS SUCCESSORS AND ASSIGNS, TO INSTALL AND MAINTAIN AN ELEVATED CANOPY ALONG THE SOUTH SIDE OF GRAND STREET at 631-635 GRAND STREET A/K/A LOT: 18 IN BLOCK: 2058

- a. An easement upon the Franchise Area is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's or public utility companies use or operation of water, sewer, or utility lines.
- b. No building or structure of any kind may be constructed over the water, sewer or other utilities within the area subject to this Franchise without the consent of the Chief Engineer of the City of Jersey City.

SECTION 6: Only with prior written consent and approval by the Municipal 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 7: In accepting the privileges under this Ordinance and in the maintenance and use herein authorized. Hajjar its successors and assigns, shall agree to assume full, complete, and undivided responsibility for any and all injury and damage to persons or property by reason of such maintenance and use therefore and to hold the City of Jersey City harmless therefrom. Hajjar its successors and assigns, shall maintain in effect during the term of the Franchise, liability insurance naming the City of Jersey City, its officers and employees as insured, covering the use and occupancy of the public property subject to this Franchise. A Certificate of Insurance in the amount of \$1,000,000 in a form deemed acceptable by City's Risk Manager shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION 8: 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. The Petitioner, and its successors and assigns, shall maintain all improvements install by it for the entire term of the Franchise at no cost or expense to the City of Jersey City.

SECTION 9: This Ordinance shall not become effective unless an acceptance hereof in writing shall be filed by the Petitioner.

SECTION 10: In the event that the Petitioner shall not file with the City of Jersey City its acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after reviewing notice of its passage, this Ordinance shall become void and be of no effect.

SECTION 11: For the Franchise herein granted, the Petitioner shall pay annually to the City of Jersey City, the sum of ONE DOLLAR (\$1.00) which payment shall be made in advance to the City Treasurer at his/her office at City Hall on the first day of January of each year after this Ordinance becomes effective and remains in force.

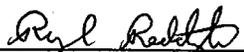
SECTION 12: All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 13: 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 14: This Ordinance shall take effect the same time and in the same manner provided by law.

SECTION 15: The City Clerk and the Corporation Counsel are 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 accidental replacement of the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

APPROVED AS TO LEGAL FORM


A s c h Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

PETITION

ORIGINAL

John Hajjar, hereinafter referred to as "Petitioner", hereby petition the Municipal Council of the City of Jersey City for permission to construct a canopy that will encroach upon the adjoining sidewalk along the south side of Grand Street.

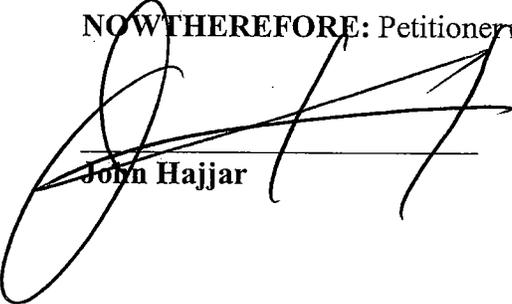
WHEREAS: Petitioner is constructing a three story Medical Office Building at 631-635 Grand Street A/K/A Block: 2058 Lot: 18 in the City of Jersey City; and

WHEREAS: The Petitioner will construct a canopy to protect individuals using the Medical Building from the elements; and

WHEREAS: The canopy will encroach upon the City's right of way along the South Side of Grand Street; and

WHEREAS: The public interest will be served in that individuals entering and exiting the building will have a safe area to traverse.

NOW THEREFORE: Petitioner requests the Municipal Council to grant said Franchise.



John Hajjar

CITY CLERK'S OFFICE
JERSEY CITY, N.J.

2008 AUG 28 A 10:20

RECEIVED BY

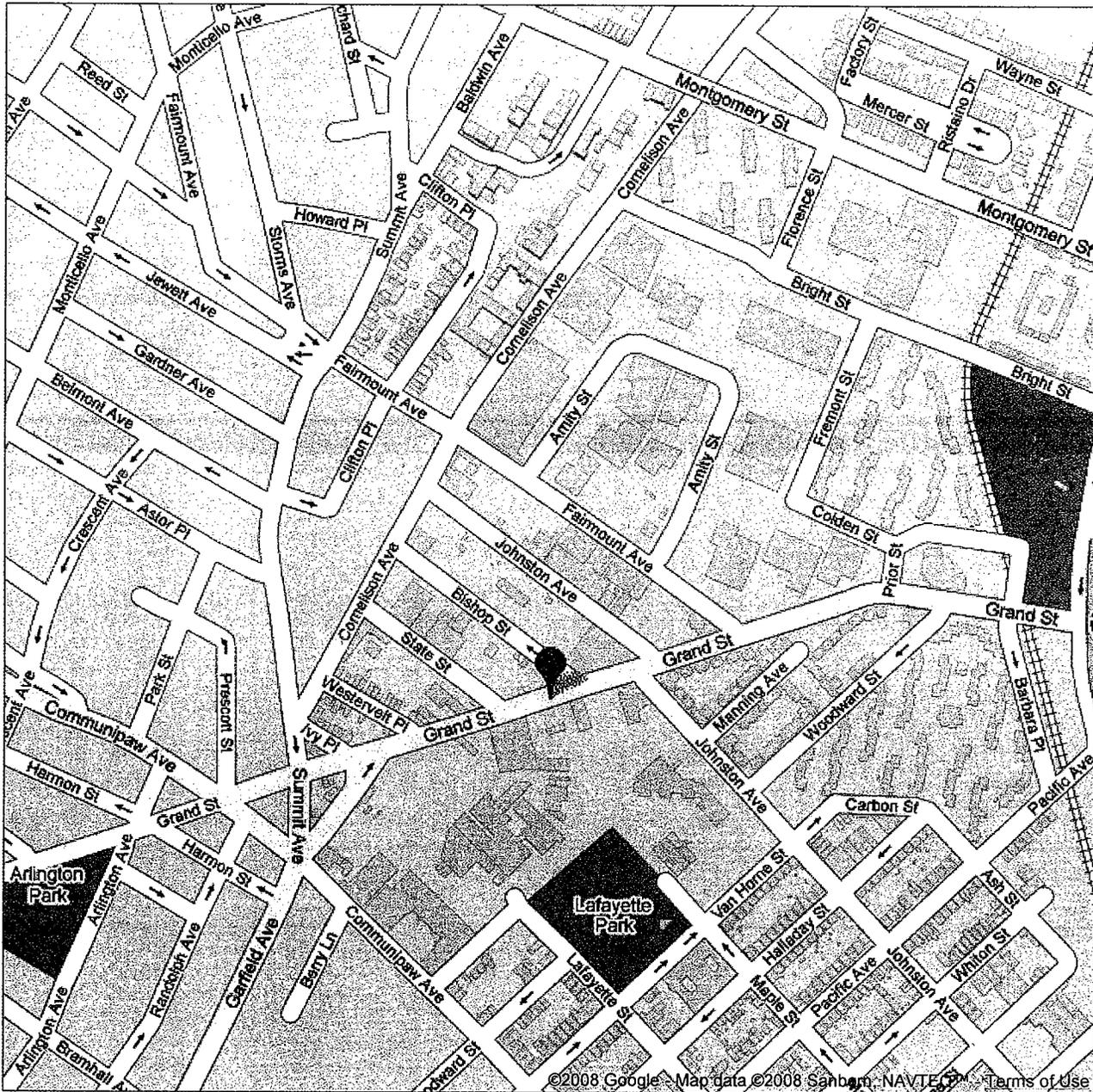


Address **635 Grand St**
Jersey City, NJ 07304

Get Google Maps on your phone



Text the word "GMAPS" to 466453



EUGENE P. O'CONNELL
ATTORNEY AT LAW
853 SUMMIT AVENUE
JERSEY CITY, NEW JERSEY 07307
PHONE: (201) 963-3668
FAX: (201) 963-2005
EMAIL: EUGENEOCONNELL@VERIZON.NET

August 21, 2008

City of Jersey City
Office of the City Clerk
Attention: Robert Byrnes
280 Grove Street
Jersey City, NJ 07302

**Re: Franchise Ordinance
631 Grand Street
Jersey City, NJ**

RECEIVED
2008 AUG 27 PM 2:22
CITY OF JERSEY CITY
OFFICE OF THE CITY CLERK

Dear Mr. Byrnes:

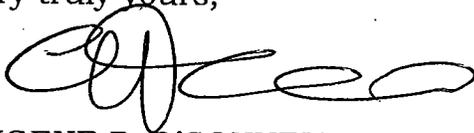
Enclosed please find:

1. Check in the sum of \$2,500.00
2. Petition
3. Proposed Ordinance
4. 29 Surveys

Kindly circulate and advise.

Thank you.

Very truly yours,



EUGENE P. O'CONNELL
EPOC/mr

City Clerk File No. Ord. 10-098

Agenda No. 3.J 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 10-098

TITLE:

**ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE
A FIVE (5) YEAR LEASE WITH RAND PARKING, INC. FOR PARKING
SPACES LOCATED AT JOURNAL SQUARE PLAZA II**

WHEREAS, Ordinance 05-015 approved on February 23, 2005 authorized the City of Jersey City to lease parking spaces at a street level parking business located on the deck behind the building commonly known as Journal Square Plaza II on Kennedy Boulevard in Jersey City (Premises); and

WHEREAS, the City executed a lease agreement for monthly parking with the owner of the Premises, Rand Parking, Inc. (Rand) for a period of five (5) years beginning on June 1, 2005 and ending on May 31, 2010; and

WHEREAS, the City desires to enter into a new lease agreement with Rand for a five (5) year period effective as of June 1, 2010 and ending on May 31, 2015; and

WHEREAS, Rand agrees to provide eighty (80) unreserved parking spaces at the Premises at \$140.00 per space or \$11,200.00 per month; and

WHEREAS, during the term of the lease agreement, the City shall have the right to lease additional unreserved parking spaces as needed at the cost of \$140.00 per space; and

WHEREAS, the City shall have the right to terminate the lease agreement without cause by providing sixty (60) days' notice to Rand; and

WHEREAS, the parking spaces rented by the City will be exempt from the tax on parking lot spaces authorized pursuant to Section 304-1 et seq. of the City Code; and

WHEREAS, the sum of \$14,000.00 are available in Account No. 01-203-31-432-304 and \$34,000.00 are available in Account No. 01-201-31-432-304; and

WHEREAS, the balance of the lease funds will be made available in the 2011 permanent budget and in subsequent fiscal year budgets.

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

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the Lease Agreement attached hereto with Rand Parking, Inc., for eighty (80) parking spaces at a street level parking lot located on the deck behind the building commonly known as Journal Square Plaza II on Kennedy Boulevard.
2. The term of the lease is effective as of June 1, 2010 and shall end on May 31, 2015.
3. The rent for the parking spaces shall be \$140.00 per space or \$11,200.00 per month or \$134,400.00 per year.

- 4. The parking spaces rented by the City shall be exempt from the parking space tax authorized pursuant to Section 304-1 et seq. of the City Code.

- 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 shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect in the manner as prescribed 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 new material is underlined; words in {brackets} are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

I, _____, Donna Mauer, as Chief Financial Officer, hereby certify that funds in the amount of \$ 14,000.00 are available for this expenditure in Purchase Order No. 96978 and \$34,000.00 are available for this expenditure in Purchase Order No. 100429 in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

RR/cw
7-6-10

APPROVED AS TO LEGAL FORM

Roy J. Reddy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

**AGREEMENT BETWEEN RAND PARKING, INC., A NEW JERSEY CORPORATION,
HAVING AN OFFICE LOCATED AT 87 CENTRAL AVENUE EAST BRUNSWICK, NEW
JERSEY 08816 ("RAND") AND THE CITY OF JERSEY CITY, A MUNICIPAL
CORPORATION OF THE STATE OF NEW JERSEY, HAVING AN OFFICE AT 280 GROVE
STREET, JERSEY CITY, NEW JERSEY 07302 ("CITY")**

WHEREAS, Rand is the owner of the street level parking business located on the deck behind the building commonly known as Journal Square Plaza II on Kennedy Boulevard in the City of Jersey City, New Jersey; (Premises); and

WHEREAS, the City is desirous of entering into an Agreement with Rand for a period of five years effective as of June 1, 2010 and ending May 31, 2015 for monthly parking as hereinafter provided; and

WHEREAS, Rand is willing to enter into this Agreement with the City.

NOW THEREFORE, in consideration of the promises and conditions herein contained, the parties hereto agree as follows:

1. Rand shall provide the City with 80 unreserved parking spaces for the period effective as of June 1, 2010 and ending May 31, 2015. The City shall have the option of leasing additional unreserved parking spaces as needed during the term of this Agreement at the sum of \$140.00 per parking space. Unreserved parking spaces will be made available at no additional cost for City employees from other sites who are visiting City offices located at 1 Journal Square Plaza.
2. The City shall pay to Rand the sum of \$140.00 per parking space, without taxes thereon, for a total of \$11,200.00 for each and every month thereafter effective June 1, 2010 and ending on May 31, 2015.
3. Payment shall be due on or before the first day of each and every month during the term, in advance.
4. The City shall be responsible for obtaining the tax exemption as provided herein. In the event that the City is unable to obtain same, the City shall pay all applicable taxes in addition to the amounts set forth herein.
5. This Agreement shall be subject to the rules and regulations of Rand as posted on the Premises.
6. This Agreement is not assignable by the City.

7. During the term of this Agreement, the City shall have the right to terminate the Agreement without cause by providing Rand with Sixty (60) days' notice prior to the effective date of termination.
8. Rand shall continue to maintain its existing underlying and excess insurance coverage as set forth on the declaration page of Policy No. XL 2110240 issued by Mount Vernon Fire Insurance Company,

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the date set forth above.

ATTEST:

ATTEST:

Robert Byrne, City Clerk

RAND PARKING, INC.

President

CITY OF JERSEY CITY

John Kelly, Business Administrator

City Clerk File No. Ord. 10-099

Agenda No. 3.K 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 10-099

TITLE:

Ordinance Dedicating that Wegman Parkway between
Martin Luther King Drive and Bergen Avenue also be known as

Bobby L. Jackson Way

The Municipal Council of the City of Jersey City does ordain:

WHEREAS, Bobby L. Jackson was born on February 19, 1945 in Fayetteville, North Carolina to Lymus and Labenner Jackson. His parents relocated to Jersey City when Bobby was in grade school. Bobby attended Public School # 14 and Lincoln High School where he was a gymnast. He furthered his education and attended St. Peter's College and Essex College of Business earning a degree in Senior Accounting; and

WHEREAS, Bobby L. Jackson was civic-minded and wanted to make the world a better place. He began with the Black Collegiate Cultural Society at St. Peter's College, the Bobby Jackson Civic Association in 1977, followed by the organization of Operation Push in Hudson County where he served as chairman of the Board from 1978-81.

WHEREAS, Bobby L. Jackson made history in 1981 when he was elected the first African-American Councilman-at-Large in Jersey City and received the largest number of votes cast for a council candidate. He made further history by being selected the first African-American City Council President in Jersey City and served in that capacity until 1985. Bobby was also the first African-American person to serve on the Hudson County Board of Elections and the first African-American to serve as a Deputy Mayor of Jersey City; and

WHEREAS, Bobby L. Jackson served as the campaign manager for the historic Gubernatorial candidacy of Mayor Ken Gibson and the Presidential candidacy of Rev. Jessie Jackson. Bobby, along with Joseph Cardwell, served as the campaign manager for Glenn D. Cunningham, the first African-American mayor of Jersey City. He also assisted Sandra Bolden Cunningham in her successful bid for the State Senate; and

WHEREAS, Bobby L. Jackson still found time to be a successful businessman and entrepreneur. From 1968-1987, he along with his parents and two brothers ran a successful chain of dry cleaners and other business enterprises under the name of L.L. Jackson and Sons. In 1992, Bobby brought The Daily Challenge Newspaper to Jersey City serving as a consultant, followed by the Urban News. In 2000, Bobby became the publisher and owner of the Urban Times News, a weekly newspaper of northern New Jersey serving as a voice for African-Americans to report their news and share information about events, government and politics; and

WHEREAS, Bobby L. Jackson was the deserving recipient of numerous awards, citations, and tributes over the years for his work as a community activist, businessman, politician and family man; and

WHEREAS, Bobby L. Jackson was a proud and enthusiastic supporter of Barack Obama and was present at St. Peter's College on January 9, 2008 in Jersey City when then Senator Barack Obama came to speak during his bid for Presidency. Bobby departed this life that evening at the age of 62. He would have been ecstatic with the historic outcome of the presidential election on November 4, 2008; and

WHEREAS, Bobby L. Jackson was laid to rest on Martin Luther King's birthday, January 15, 2008. He left behind to celebrate his life his wife of 37 years, Gwendolyn, his children Martin King and Marquisha Labennera, a son-in-law Antoine and the two grandchildren Jade & Jordan.

NOW, THEREFORE, BE IT ORDAINED, that the Municipal Council on behalf of all citizens in Jersey City, celebrate the life and achievements of Bobby L. Jackson, an honored role model and inspiration to all.

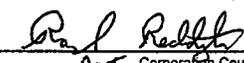
BE IT FURTHER RESOLVED, that the Municipal Council deems it fitting and appropriate to commemorate the name of Bobby L. Jackson as part of the civic heritage of the City of Jersey City by dedicating Wegman Parkway between Martin Luther King Drive and Bergen Avenue as Bobby L. Jackson Way.

Ordinance Dedicating That Wegman Parkway Between Martin Luther King Drive and Bergen Avenue Also Be Known as Bobby L. Jackson Way

- 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 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.

G:\WPDOCS\TOLONDA\RESOS\RENAME\Bobby L. Jackson.wpd

APPROVED AS TO LEGAL FORM



 Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____
 Business Administrator

Certification Required
 Not Required

Barack Obama

January 12, 2008

The Family of Bobby Jackson
232 Wegman Parkway
Jersey City, NJ 07305

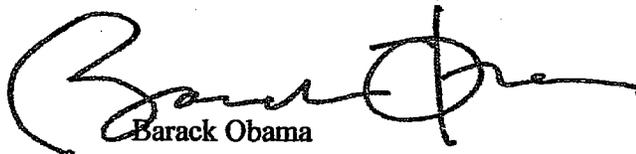
Dear Friends,

Michelle and I want to share our condolences on the loss of Bobby Jackson. I don't have to tell you that he was a singular figure in Jersey City politics, and his impact was felt around the city, the state and beyond.

Bobby had a special love for public life, and a special talent for helping people. As you celebrate his life and his homegoing, I trust that his spirit will remain with you and guide you.

I hope you'll take comfort in knowing that he lives on in the memories of countless people whose lives he touched. A life dedicated to the service of others is a life that is happy and well-spent, and he exemplified this. Your family will be in our prayers, and I hope that the Lord's deep and abiding peace rests with you at this time.

Sincerely,



Barack Obama



Obama for America • 233 N. Michigan Ave • Chicago, IL 60601 • BarackObama.com

Paid for by Obama for America

June 8, 2010

Honorable Viola Richardson
Councilwoman/Bergen Lafayette
Jersey City, New Jersey 07304

Dear Councilwoman Richardson,

I am requesting a name change for Wegman Parkway (between MLK Drive & Bergen Ave.) and Audubon Park in honor of my husband, Bobby L. Jackson who died two years ago, January 9, 2008 after hearing the historic speech of candidate for President, Barack O'Bama.

Bobby and I lived in the Bergen/ Lafayette section of Jersey City for almost 38 years. His political career started there way back in 1977. Bobby received many awards and accolades during the years with many emphasizing historical "Firsts-African American to hold a position."

Bobby L. Jackson had been recognized by many organizations for his community affairs, personal dedication in helping the less fortunate, and political accomplishments from some of the following: The Urban League, Christopher Columbus Foundation, Concerned Black Citizens Alliance, North Jersey Blacks in Government, , City Council of Jersey City for the Rebirth of Jersey City in the "Opening of the Audubon Park Apartments," and the support of Boycotting Budweiser for Economic Justice in 1983, the Pioneer Award from our First African American Mayor, Glenn D. Cunningham for being the first African American City Council President, Operation Push, Employment And Training, P.S. 22, and the Hattie Boyer Memorial Organization.

Bobby was also the President of the Wegman Parkway Block Association (between MLK Drive and

Bergen Avenue) in the 1970's. I have so many of his awards; but too numerous to name. Please share this letter with the City Council for Bobby is deserving of some recognition from this city he loved so much.

Sincerely,

A handwritten signature in cursive script that reads "Mrs. Gwendolyn L. Jackson". The signature is written in black ink and is positioned above the printed name.

Mrs. Gwendolyn L. Jackson

Widow of Bobby Jackson

c. Senator Sandra D. Cunningham, 31st District

Mayor Jerramiah Healy, City of Jersey City

City Clerk File No. Ord. 10-100

Agenda No. 3.1 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 10-100

TITLE:

ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND THE PORT AUTHORITY TRANS HUDSON CORPORATION (PATH) PERMITTING PATH TO INSTALL AND MAINTAIN SECURITY IMPROVEMENTS AT EXCHANGE PLACE AND TO INSTALL NEW CONCRETE PAVEMENT IN FRONT OF THE PATH STATION LOCATED AT THE EASTERLY END OF CHRISTOPHER COLUMBUS DRIVE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the Port Authority Trans Hudson Corporation (PATH), a subsidiary of the Port Authority of New York and New Jersey, has requested an easement from the City of Jersey City (City) permitting it to install and maintain security bollards at various locations at Exchange Place and to install new concrete pavement in front of the Path Station located at the easterly end of Christopher Columbus Drive; and

WHEREAS, the City has jurisdiction and control over the Exchange Place area and the easterly end of Christopher Columbus Drive area; and

WHEREAS, the areas where the security improvements will be made are shown on Exhibits A-1, A-2 and A-3 which are attached to the Easement Agreement attached hereto; and

WHEREAS the area where the new concrete pavement will be installed is shown on Exhibit B which is attached to the Easement Agreement attached hereto; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 32:1-35.57 permit a municipality to convey by ordinance, an interest in real property to PATH for nominal consideration; and

WHEREAS, it is in the best interests of the City to grant a non-exclusive easement to PATH for the purpose of installing and maintaining security improvements at Exchange Place and installing new concrete pavement in the area in front of the Path Station located at the easterly end of Christopher Columbus Drive.

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

1. Subject to such modifications as deemed necessary or appropriate by the Business Administrator or Corporation Counsel, the Mayor or Business Administrator is hereby authorized to execute the Easement Agreement attached hereto granting PATH a nonexclusive easement to install and maintain security improvements shown on Exhibits A-1, A-2, and A-3 of the Easement Agreement and to install new concrete pavement in front of the Path Station as shown on Exhibit B of the Easement Agreement; and

h 2 0 1 0 0 9 6

- 2. Subject to review and approval by Corporation Counsel, execute such other documents which may be necessary to effectuate the purposes of this 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 shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect in the manner as prescribed 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 new material is underlined; words in ~~brackets~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR/cw
07-07-10

2010096

APPROVED AS TO LEGAL FORM

Rayl Reddy
Ass. Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

Please record and return to:

The Port Authority of New York and New Jersey
Law Department - 14th Floor
225 Park Avenue South
New York, New York 10003
Attention: Marci DiFrancesco, Esq.

PREPARED BY:

EASEMENT AGREEMENT

THIS AGREEMENT is made as of the ___ day of _____, 2010, by and between the CITY OF JERSEY CITY, a public body corporate and politic existing under the laws of the State of New Jersey, having its offices at City Hall, 280 Grove Street, New Jersey 07302 (the "City") and the PORT AUTHORITY TRANS-HUDSON CORPORATION ("PATH"), a wholly-owned subsidiary of The Port Authority of New York and New Jersey (the "Port Authority"), a body corporate and politic created by Compact of the United States Congress, having an office at 225 Park Avenue South, New York, New York 10003.

WITNESSETH that:

WHEREAS, the City owns that certain real property located in the City of Jersey City, County of Hudson, State of New Jersey, as shown in cross-hatching on "Exhibit A-1" attached hereto and made a part hereof, as shown in diagonal hatching on "Exhibit A-2" attached hereto and made a part hereof and as shown in diagonal hatching on "Exhibit A-3" attached hereto and made a part hereof (Exhibit A-1, Exhibit A-2 and Exhibit A-3 are collectively referred to herein as the "Easement Sites"); and

WHEREAS, PATH desires to undertake security enhancements at PATH Exchange Place Station (the "Project"), some of which will be located on the Easement Sites, all as shown on the Project Plan attached hereto as "Exhibit B" and hereby made a part hereof; and

WHEREAS, in order to facilitate and effectuate the Project, PATH has requested certain easements on the Easement Sites; and

WHEREAS, in consideration of the granting of the easements, the City has requested that PATH undertake certain snow removal responsibilities; and

WHEREAS, PATH and the City have expressed a willingness to cooperate in achieving the overall objective of the Project and snow removal responsibilities in the City in the vicinity of PATH and Port Authority facilities;

NOW, THEREFORE, in consideration of the covenants contained herein, and pursuant to all federal and state laws, PATH and the City agree as follows:

1. All of the "WHEREAS" clauses set forth hereinabove are hereby incorporated and made a part hereof with full force and effect, as if each were fully set forth herein.

2. The City hereby grants to PATH, and its successors and assigns, an exclusive perpetual easement (the "Permanent Easement") on, over, under and across the Easement Sites for the sole purpose of installing, constructing, operating, maintaining, inspecting, repairing, removing and replacing security enhancements, which shall include, without limitation, gates, bollards, planters, benches, curbs and pavement markings and related and appurtenant equipment (the "Security Enhancements"). All work in connection with the installation, construction, operation, maintenance, inspection and repair of the Security Enhancements shall hereinafter be referred to as the "Project Work."

3. The City hereby grants to PATH, and its representatives, agents, contractors, and employees, permission to enter upon, use and occupy certain City owned property as shown in grey shading on Exhibit B for the purpose of installing new concrete pavement (the "Concrete Work") and for no other purpose whatsoever. Upon completion of the Concrete Work, PATH shall have no further responsibility in connection with the Concrete Work or the premises affected by the Concrete Work. PATH shall not have any further obligation or responsibility for the repair, maintenance, or replacement of any of the Concrete Work performed pursuant to this Agreement.

4. PATH, in its sole discretion, shall determine and have sole control over the means and manner of construction and installation, character, type, location and operation of the Security Enhancements as it deems appropriate on the Easement Sites.

5. The Project Work shall be at PATH's sole cost and expense including without limitation the maintenance and operation thereof and necessary repairs or replacements and in connection therewith PATH shall restore any pavement, curbing and any other property affected thereby to their condition immediately prior to the commencement of the Project Work.

6. The parties hereto agree that at least thirty (30) days prior to the commencement of the Project Work and the Concrete Work by PATH, its contractors, subcontractors, agents, or employees, PATH shall submit or cause to be submitted to the Director of Engineering of the City for his information all plans and specifications (and any revision, modification or amendment thereto) and the proposed methods and hours of the Project Work and Concrete Work to be performed by PATH, and its contractors, subcontractors and employees. Such plans and specifications shall be prepared at PATH's sole cost and expense and without reimbursement from the City.

7. The parties further agree that the City's approval by Ordinance of the plans and specifications filed by PATH with the City's Engineering Division and entitled, "Exchange Place, Landside Security Enhancements, Alignment and Paving Plan", dated August 26, 2008, is intended to provide plan and design immunity to PATH and to the City pursuant to the New Jersey Tort Claims Act.

8. The City agrees that PATH, and its employees, agents and contractors, shall not be obligated to apply for or obtain from the governing body of the City other permission or rights to perform the Project Work or the Concrete Work. Notwithstanding the foregoing, the Project Work and the Concrete Work performed by PATH, its employees, agents, and contractors pursuant to this Agreement, and its use of the properties granted hereunder, shall conform with all applicable federal, State, county, and municipal laws and regulations, if any. Nothing contained herein shall be, or shall be construed as, a submission by PATH or by the Port Authority to the application to themselves of any such State, county, or municipal laws and regulations.

9. PATH shall retain and have ownership of the Security Enhancements and all other roadway and street fixtures and equipment installed or constructed by or for PATH and has the right to remove and dispose of the same without any obligation to obtain the approval of the City therefore or to account to the City with respect thereto. The City shall have no ownership rights to any portion of the Security Enhancements constructed on the Easement Sites, and shall not have any duty to, or be responsible for the installation, inspection, repair, maintenance, or replacement thereof or any of its parts, except as specified in this Agreement.

10. PATH agrees to pay all costs for future revision, relocation or removal and reinstallation of any portion of the Security Enhancements if the revision, relocation or removal and reinstallation is made necessary by changes, such as excavations, reservations, widening and clearance changes effectuated by PATH.

11. PATH agrees that upon completion of the Project Work, PATH shall restore the Easement Sites to the condition existing immediately preceding the commencement of the Project Work and there shall remain no damage to the Easement Sites.

12. In consideration of the Permanent Easement granted hereunder to PATH, PATH at the request of the City, and at the cost and expense of PATH, agrees to perform snow removal services on certain City property located adjacent to the PATH Exchange Place Station in the areas marked "limit of snow removal area" shown on Exhibit B for so long as the Permanent Easement endures.

13. During the Project Work, PATH shall erect appropriate barriers and, if required, the City, at the sole cost and expense of PATH, shall use its police forces to direct and control traffic at any intersections it deems appropriate.

14. Both parties hereto certify that, to the best of its knowledge and belief, all things required by law to be done and performed by it to enable it to carry out this Agreement have been done and performed.

15. Nothing herein contained shall be understood or construed to create any third party benefits, rights or property interests unless the party claiming such rights is identified herein and the rights claimed are expressly set forth in the Agreement.

16. This Agreement shall not become binding on either party until it is fully executed by both parties hereto. It shall remain in effect unless modified, terminated or canceled by written instrument duly executed by both parties hereto. PATH shall have the right to terminate this Agreement, with or without cause, upon thirty (30) days written notice to the City, and PATH shall restore the portion of the Easement Sites in accordance with Paragraph 11 hereof.

17. Neither PATH, its Directors, nor the Port Authority, its Commissioners, nor any of them, nor any officer or employee thereof, nor the City, any officer or employee thereof, shall be charged personally with any liability under any term or provision of this Agreement or because of its execution or attempted execution or because of any breach or alleged breach thereof or otherwise.

18. PATH and its employees, agents, contractors and subcontractors shall have the right to enter upon the lands hereinabove described for the purposes hereinabove stated.

19. PATH shall have reasonable access to abutting properties so as not to interfere unreasonably with the City's normal operations during the course of any Project Work or Concrete Work performed by or for PATH.

20. PATH hereby covenants and agrees that it will defend, indemnify and save harmless the City, its officers, agents, and employees against any and all claims and any and all liability for damages, costs, charges and expenses of whatsoever kind or nature, including personal injury and property damage, arising out of PATH's use of the Easement Sites and/or performance of the Project Work, other than liability arising out of the negligence or intentional or wanton or willful acts or omissions of the City. Notwithstanding the foregoing, PATH shall not be liable for and shall have no obligation with respect to any pre-existing condition (including environmental conditions) of the Easement Sites or any other premises that are the subject of this Agreement.

21. Only with prior written consent and approval by the City Council of the City, which consent and approval shall not be unreasonably withheld, shall PATH have the right to assign or otherwise transfer its rights under this Agreement.

22. The easement rights and privileges granted hereunder and the undertakings and agreements of the parties hereto and obligations assumed by them hereunder, shall be covenants running with and affecting the land, in accordance with the terms and conditions hereof and shall bind and inure to the benefit of the parties hereto, their respective heirs, successors and assigns in title or in interest and all future owners of such lands and easement interests for as long as the easements endure hereunder.

23. All notices between the parties hereto shall be in writing and shall be addressed and delivered by regular mail to the following:

If to the City:
City of Jersey City
Business Administrator
280 Grove Street
Jersey City, New Jersey 07302

If to PATH:
Port Authority Trans-Hudson Corporation
Attention: General Manager, PATH
One PATH Plaza
Jersey City, New Jersey 07306

With a copy to:
The Port Authority of NY & NJ
Law Department
225 Park Avenue South – 15th Floor
New York, New York 10003
Attention: General Counsel

24. This Agreement may be executed in counterparts, each of which shall constitute an original and all of which taken together shall be deemed one and the same instrument.

25. This Agreement may not be modified, changed, amended or supplemented and no provision hereof may be waived except by a written agreement signed by both parties hereto.

26. This Agreement contains the entire understanding of the parties with respect to the subject matter hereof, and supercedes all prior or contemporaneous negotiations or agreements, whether oral or written, relating to the subject matter hereof.

27. If any term or provision of this Agreement shall be determined invalid or unenforceable to any extent or in any application, then the remainder of this Agreement shall not be affected thereby, and such term or provision shall be deemed modified to the minimum extent necessary to make it consistent with applicable law and, except to such extent or in such application, shall not be affected thereby, and each and every term and provision of this Agreement as so modified if necessary, shall be enforced to the fullest extent and in the broadest application permitted by law.

28. The waiver of a breach of any provision of this Agreement by any party hereto shall not operate or be construed as a waiver of any other provision of this Agreement or consent to any subsequent breach.

29. The parties hereto agree that the terms and language of this Agreement were the result of negotiations between the parties and, as a result, there shall be no presumption that ambiguities, if any, in this Agreement shall be resolved against either party. Any controversy over the construction of this Agreement shall be decided neutrally and, in light of its purposes, and without regard to authorship or negotiation.

30. This Agreement shall be governed by the laws of the State of New Jersey, without regard to conflict of law principles.

IN WITNESS WHEREOF, both parties have caused this instrument to be signed, attested to and sealed as of the date first set forth herein.

Attest:

PORT AUTHORITY TRANS-HUDSON CORPORATION (PATH)

By: _____
Name:
Title:

Attest:

CITY OF JERSEY CITY

City Clerk

By: _____
Name:
Title:

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

On the ___ day of _____, 2010, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he has an office at 225 Park Avenue South, New York, New York; that he is the President of the Port Authority Trans-Hudson Corporation, which executed the above instrument; that he knows the official seal of the Port Authority Trans-Hudson Corporation; that the seal affixed to said instrument is such official seal: that it was so affixed pursuant to authority of its Board of Directors, and that he signed his name hereto pursuant to the authority given to him.

(Notarial Seal)

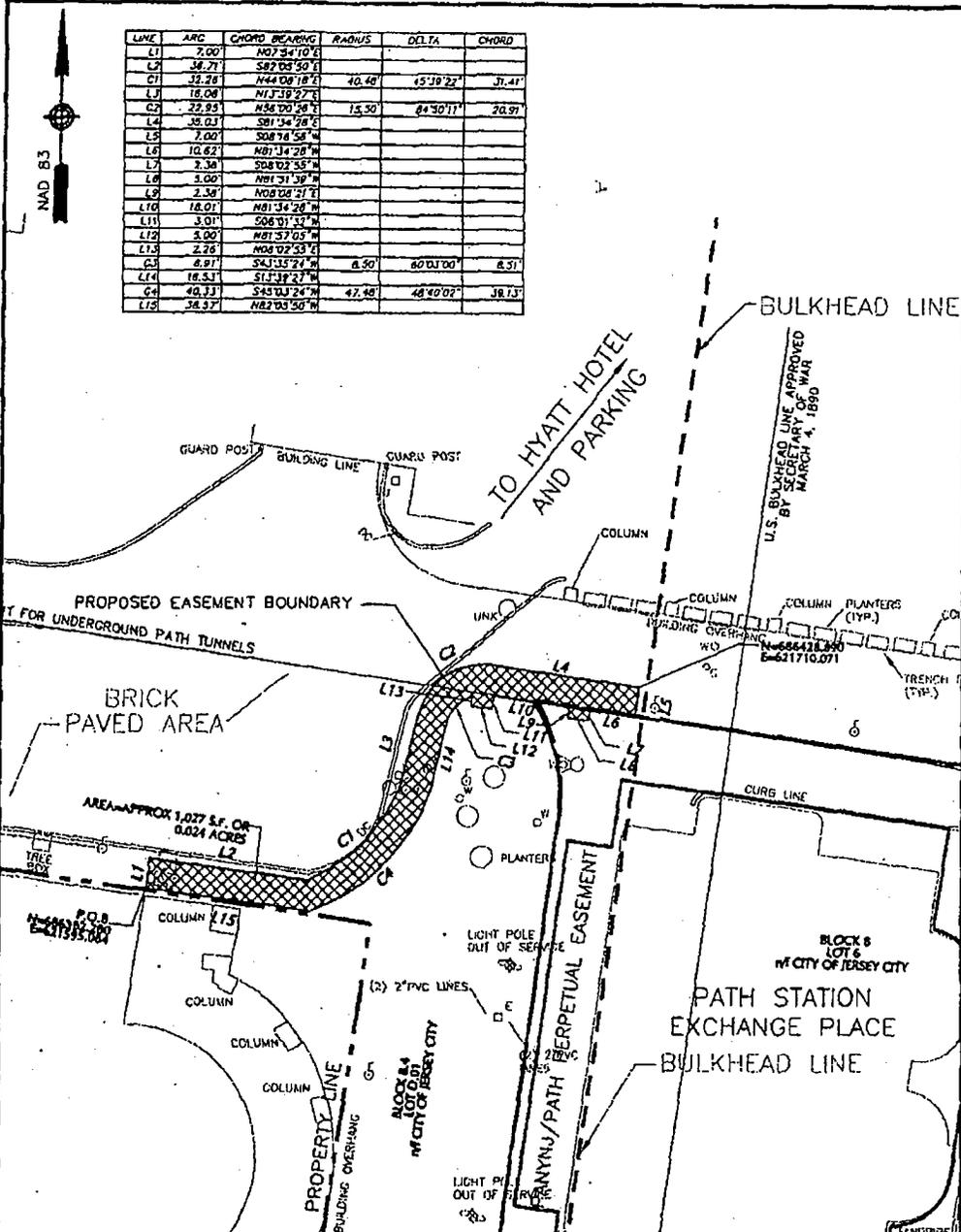
Notary Public
My Commission Expires:

STATE OF NEW JERSEY)
) SS.:
COUNTY OF HUDSON)

On the ___ day of _____, 2010, before me, the subscriber, an attorney at law of the State of New Jersey, personally appeared _____, the Business Administrator/Mayor of the City of Jersey City who, signed the within instrument: and having first made known to them the contents thereof, they did acknowledge that they signed, sealed with the corporate seal and delivered the same as such officers aforesaid and that the within instrument is a voluntary act and deed of the City of Jersey City, made by virtue of the authority of the Municipal Council of the City of Jersey City.

An attorney at law of the
State of New Jersey

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
L1	7.00'	N07°34'10"E			
L2	34.71'	S87°03'50"W			
C1	32.26'	N44°06'18"E	40.48'	45°39'22"	31.41'
L3	16.04'	N13°39'27"E			
C2	22.85'	N84°00'50"E	15.50'	64°30'11"	20.97'
L4	35.03'	S81°34'28"E			
L5	7.00'	S08°14'58"W			
L6	10.62'	N81°34'28"W			
L7	2.36'	S08°02'55"W			
L8	3.00'	N81°31'39"W			
L9	2.36'	N08°02'51"E			
L10	16.01'	N81°34'28"W			
L11	3.01'	S08°11'33"W			
L12	3.00'	N81°37'05"W			
L13	2.26'	N08°07'53"E			
C3	6.91'	S41°35'21"W	6.50'	60°01'00"	6.51'
L14	16.51'	S11°39'27"E			
C4	40.13'	S43°03'24"W	47.48'	48°40'02"	38.13'
L15	34.37'	N82°03'50"W			



NOTES :
 1. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE DATES INDICATED AND CAN BE CONSIDERED AS THE GENERAL CONDITIONS EXISTING AT THAT TIME. BE ADVISED THAT ADDITIONAL INFORMATION MAY RESIDE ON DIGITAL FILES AND MAY NOT BE PLOTTED ON THIS MAP.
 2. PROPOSED ALIGNMENTS SHOWN AS PER CONSTRUCTION PLANS PROVIDED BY PANYNJ.

© 2009 Langan Engineering and Environmental Services, Inc.

<p><i>Joseph E. Romano</i> 8-17-09 JOSEPH E. ROMANO DATE PROFESSIONAL LAND SURVEYOR N.J. LIC. No. 36273</p>	<p>THE PORT AUTHORITY OF NY & NJ CENTRAL SURVEY GROUP</p>								
<p>LANGAN ENGINEERING & ENVIRONMENTAL SERVICES River Drive Center 1 Elmwood Park, NJ 07407 P: 201.794.6900 F: 201.794.0366 www.langan.com</p> <p>NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA NEVADA NJ Certificate of Authorization No: 24GA27996400</p>	<p>Project PROPOSED BOLLARD NORTH EASEMENT PATH STATION, EXCHANGE PLACE CITY OF JERSEY CITY</p> <p>HUDSON COUNTY NEW JERSEY</p> <table border="1"> <tr> <td>Project No.</td> <td>Date</td> <td>Scale</td> <td>Dwg. No.</td> </tr> <tr> <td>105901</td> <td>8-17-09</td> <td>1"=30'</td> <td>PANJ-BA1</td> </tr> </table>	Project No.	Date	Scale	Dwg. No.	105901	8-17-09	1"=30'	PANJ-BA1
Project No.	Date	Scale	Dwg. No.						
105901	8-17-09	1"=30'	PANJ-BA1						

**WRITTEN DESCRIPTION
PROPOSED BOLLARD NORTH EASEMENT
PATH STATION, EXCHANGE PLACE
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY**

Beginning at a point along the property line of 10 Exchange Place, said point having a Northing of 686382.280 and an Easting of 621595.084 in the New Jersey State Plane Coordinate System, NAD 83, based on the project site control; thence

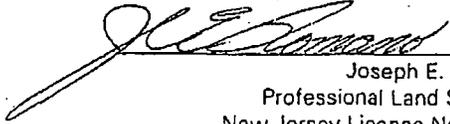
1. North 07°54'10" East, a distance of 7.00 feet; thence
2. South 82°05'05" East, a distance of 36.71 feet; thence
3. Northeasterly along a curve to the left, having an arc distance of 32.26 feet, a radius of 40.48 feet and a central angle of 45°39'22" and being subtended by a chord which bears North 44°08'18" East, 31.41 feet to a point; thence
4. North 13°39'27" East, a distance of 16.08 feet; thence
5. Northeasterly along a curve to the right, having an arc distance of 22.95 feet, a radius of 15.50 feet and a central angle of 84°50'11" and being subtended by a chord which bears North 56°00'26" East, 20.91 feet to a point; thence
6. South 81°34'28" East, a distance of 35.03 feet; thence
7. Along the westerly bulkhead line of the Hudson River, South 08°16'56" West, a distance of 7.00 feet to a point said point having a Northing of 686428.890 and an Easting of 621710.071 in the New Jersey State Plane Coordinate System, NAD 83, based on the project site control; thence
8. North 81°34'28" West, a distance of 10.62 feet; thence
9. South 08°02'55" West, a distance of 2.36 feet; thence
10. North 81°51'39" West, a distance of 5.00 feet; thence
11. North 08°08'21" East, a distance of 2.38 feet; thence
12. North 81°34'28" West, a distance of 18.01 feet; thence
13. South 08°01'32" West, a distance of 3.01 feet; thence
14. North 81°57'05" West, a distance of 5.00 feet; thence
15. North 08°02'55" East, a distance of 2.26 feet; thence
16. Southwesterly along a curve to the left, having an arc distance of 8.91 feet, a radius of 8.50 feet and a central angle of 60°03'00" and being subtended by a chord which bears South 43°35'24" West, 8.51 feet to a point; thence
17. South 13°39'27" West, a distance of 16.53 feet; thence
18. Southwesterly along a curve to the right, having an arc distance of 40.33 feet, a radius of 47.48 feet and a central angle of 48°40'02" and being subtended by a chord which bears South 45°03'24" West, 39.13 feet to a point; thence
19. North 82°05'50" West, a distance of 38.57 feet to the Point of Beginning.

NJ Certificate of Authorization No: 24GA27996400

RIVER DRIVE CENTER 1 • ELMWOOD PARK, NEW JERSEY 07407-1338 • (201) 794-6900 • FAX: (201) 794-0366
ELMWOOD PARK, NJ NEW YORK, NY NEW HAVEN, CT PHILADELPHIA, PA DOYLESTOWN, PA MIAMI, FL TRENTON, NJ

Encompassing an area of 1,027 square feet or 0.024 acres, more or less.

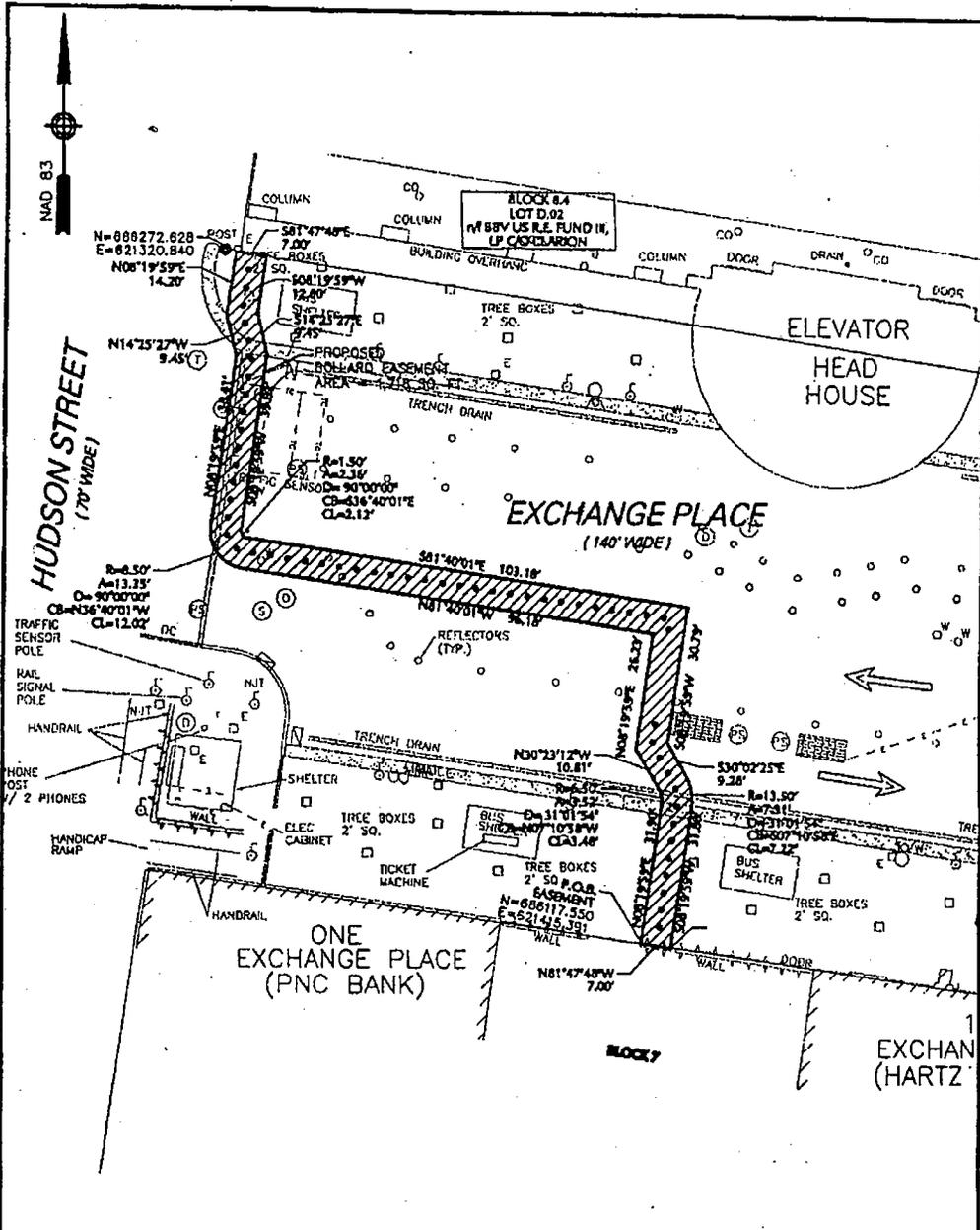
This description is prepared in accordance with a plan titled "Proposed Bollard North Easement Path Station, Exchange Place, City of Jersey City, Hudson County, N.J." prepared by Langan Engineering and Environmental Services, Inc. Elmwood Park, New Jersey, Job No. 100105901, dated 17 August 2009, Drawing No. PANJ-BA1.

 8-17-09
Joseph E. Romano
Professional Land Surveyor
New Jersey License No. 36273

G:\Data9\100105901\Survey Data - 100105901\Office Data\Descriptions\Proposed Bollard North Easement.doc

NJ Certificate of Authorization No: 24GA27986400

RIVER DRIVE CENTER 1 • ELMWOOD PARK, NEW JERSEY 07407-1338 • (201) 794-6900 • FAX: (201) 794-0386
ELMWOOD PARK, NJ NEW YORK, NY NEW HAVEN, CT PHILADELPHIA, PA BOYLESTOWN, PA MIAMI, FL TRENTON, NJ



NOTES :

1. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE DATES INDICATED AND CAN BE CONSIDERED AS THE GENERAL CONDITIONS EXISTING AT THAT TIME. BE ADVISED THAT ADDITIONAL INFORMATION MAY RESIDE ON DIGITAL FILES AND MAY NOT BE PLOTTED ON THIS MAP.
2. PROPOSED ALIGNMENTS SHOWN AS PER CONSTRUCTION PLANS PROVIDED BY PANYNJ.

© 2009 Langan, Engineering and Environmental Services Inc.

Joseph E. Romano 3-31-09
JOSEPH E. ROMANO DATE
 PROFESSIONAL LAND SURVEYOR N.J. LIC. No. 36273



**THE PORT AUTHORITY
 OF NY & NJ
 CENTRAL SURVEY GROUP**

LANGAN
 ENGINEERING & ENVIRONMENTAL SERVICES

River Drive Center 1 Elmwood Park, NJ 07407
 P: 201.794.6900 F: 201.794.0366
 www.langan.com

NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA NEVADA
 NJ Certificate of Authorization No: 24GA27896400

Project **PROPOSED BOLLARD EASEMENT
 PATH STATION, EXCHANGE PLACE
 CITY OF JERSEY CITY**

HUDSON COUNTY NEW JERSEY

Project No. 105901	Date 03-31-09	Scale 1"=30'	Dwg. No. PANJ-BA1
-----------------------	------------------	-----------------	----------------------

March 31, 2009
100105901

**WRITTEN DESCRIPTION
PROPOSED BOLLARD EASEMENT
PATH STATION, EXCHANGE PLACE
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY**

Beginning at a point on the southerly line of Exchange Place, 140 feet wide, said point being a distant South 81°47'48" East 114.85 feet from the intersection of said southerly line of Exchange Place and the easterly line of Hudson Street; thence

- 1) North 08°19'59" East, a distance of 31.90 feet to a point; thence
- 2) Northwesterly along a curve to the left, having an arc distance of 3.52 feet, a radius of 6.50 feet and a central angle of 31°01'54" and being subtended by a chord which bears North 07°10'58" West, 3.48 feet to a point; thence
- 3) North 30°23'12" West, a distance of 10.81 feet to a point; thence
- 4) North 08°19'59" East, a distance of 26.23 feet to a point; thence
- 5) North 81°40'01" West, a distance of 96.18 feet to a point; thence
- 6) Northeasterly along a curve to the right, having an arc distance of 13.35 feet, a radius of 8.50 feet and a central angle of 90°00'00" and being subtended by a chord which bears North 36°40'01" West, 12.02 feet to a point; thence
- 7) North 08°19'59" East, a distance of 38.41 feet to a point; thence
- 8) North 14°25'27" West, a distance of 9.45 feet to a point; thence
- 9) North 08°19'59" East, a distance of 14.20 feet to a point; thence
- 10) Along the northerly line of said Exchange Place, South 81°47'48" East, a distance of 7.00 feet to a point; thence
- 11) South 08°19'59" West, a distance of 12.80 feet to a point; thence
- 12) South 14°25'27" East, a distance of 9.45 feet to a point; thence
- 13) South 08°19'59" West, a distance of 39.82 feet to a point; thence
- 14) Southeasterly along a curve to the left, having an arc distance of 2.36 feet, a radius of 1.50 feet and a central angle of 90°00'00" and being subtended by a chord which bears South 36°40'01" East, 2.12 feet to a point; thence
- 15) South 81°40'01" East, a distance of 103.18 feet to a point; thence
- 16) South 08°19'59" West, a distance of 30.79 feet to a point; thence
- 17) South 30°02'25" East, a distance of 9.28 feet to a point; thence
- 18) Southeasterly along a curve the right, having an arc distance of 7.31 feet, a radius of 13.50 feet and a central angle of 31°01'54" and being subtended by a chord which bears South 07°10'58" East, 7.22 feet to a point; thence
- 19) South 08°19'59" West, a distance of 31.88 feet to a point; thence
- 20) North 81°47'48" West, a distance of 7.00 feet to the Point of Beginning.

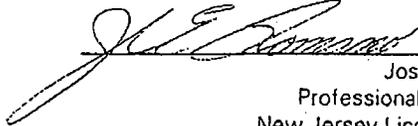
NJ Certificate of Authorization No: 24GA27996400

RIVER DRIVE CENTER 1 • ELMWOOD PARK, NEW JERSEY 07407-1338 • (201) 794-6900 • FAX: (201) 794-0386
ELMWOOD PARK, NJ NEW YORK, NY NEW HAVEN, CT PHILADELPHIA, PA DOYLESTOWN, PA MIAMI, FL TRENTON, NJ



Encompassing an area of 1,718 square feet or 0.039 acres, more or less.

This description is prepared in accordance with a plan titled "Proposed Bollard Easement Path Station, Exchange Place, City of Jersey City, Hudson County, N.J." prepared by Langan Engineering and Environmental Services, Inc. Elmwood Park, New Jersey, Job No. 100105901, dated 31 March 2009, Drawing No. PANJ-BA1.

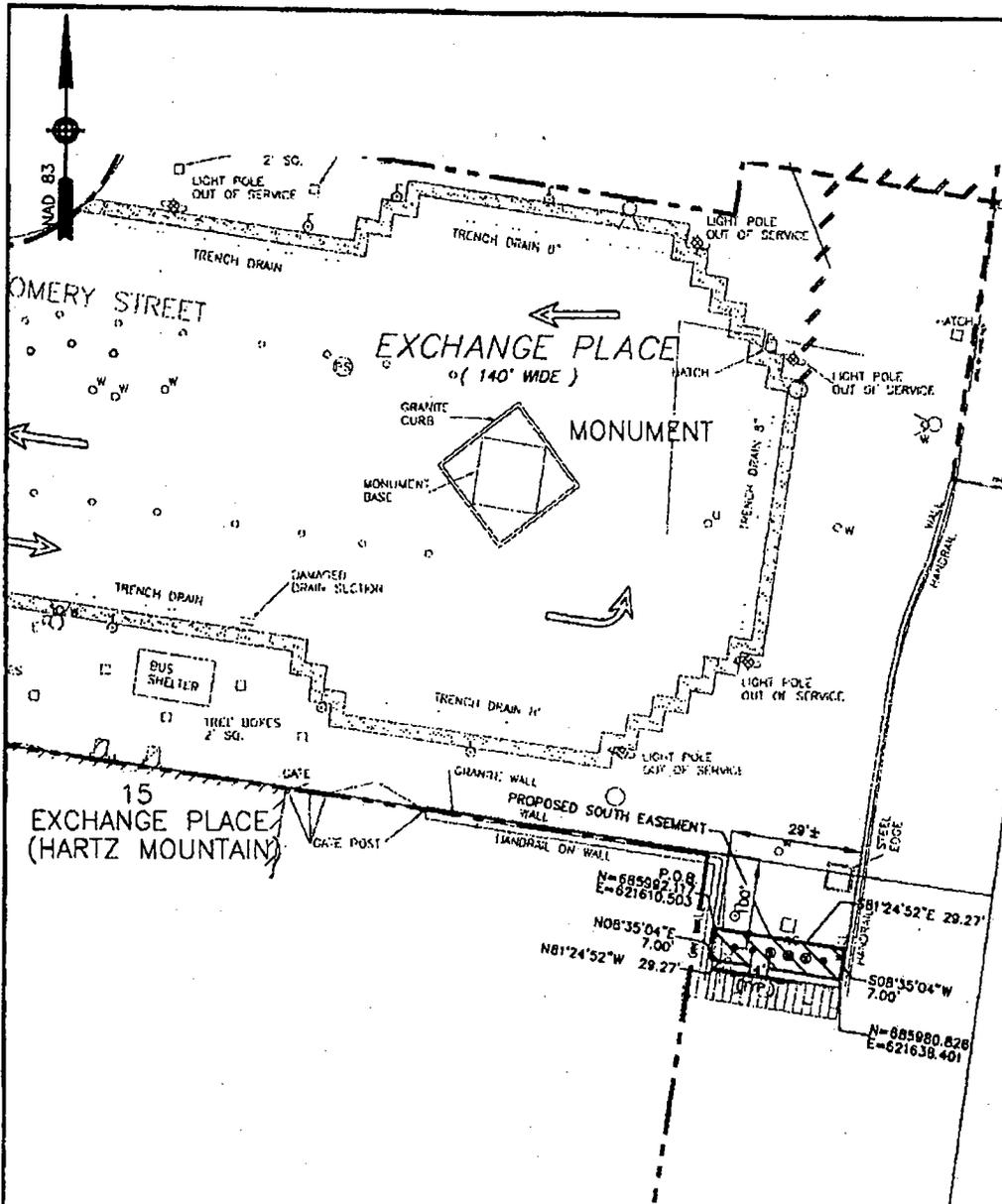
 3-31-09
Joseph E. Romano
Professional Land Surveyor
New Jersey License No. 36273

G:\Data9\100105901\Survey Data - 100105901\Office Data\Descriptions\Proposed Bollard Easement.doc

NJ Certificate of Authorization No: 24GA27998400

RIVER DRIVE CENTER 1 • ELMWOOD PARK, NEW JERSEY 07407-1338 • (201) 794-6900 • FAX: (201) 794-0366

ELMWOOD PARK, NJ NEW YORK, NY NEW HAVEN, CT PHILADELPHIA, PA BOYLESTOWN, PA MIAMI, FL TRENTON, NJ



NOTES :

1. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE DATES INDICATED AND CAN BE CONSIDERED AS THE GENERAL CONDITIONS EXISTING AT THAT TIME. BE ADVISED THAT ADDITIONAL INFORMATION MAY RESIDE ON DIGITAL FILES AND MAY NOT BE PLOTTED ON THIS MAP.
2. PROPOSED ALIGNMENTS SHOWN AS PER CONSTRUCTION PLANS PROVIDED BY PANYNJ.

© 2009 Langan Engineering and Environmental Services, Inc.

<p><i>Joseph E. Romano 6-1-09</i> JOSEPH E. ROMANO DATE PROFESSIONAL LAND SURVEYOR N.J. LIC. No. 36273</p>	<p> THE PORT AUTHORITY OF NY & NJ CENTRAL SURVEY GROUP</p>
<p>LANGAN ENGINEERING & ENVIRONMENTAL SERVICES River Drive Center 1 Elmwood Park, NJ 07407 P: 201.794.6900 F: 201.794.0366 www.langan.com</p> <p><small>NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA NEVADA</small> NJ Certificate of Authorization No: 24GA2796400</p>	<p>Project PROPOSED BOLLARD SOUTH EASEMENT PATH STATION, EXCHANGE PLACE CITY OF JERSEY CITY HUDSON COUNTY NEW JERSEY</p> <p>Project No. 105901 Date 5-15-09 Scale 1"=30' Draw. No. PANJ-BA1</p>

June 1, 2009
100105901

**WRITTEN DESCRIPTION
PROPOSED BOLLARD SOUTH EASEMENT
PATH STATION, EXCHANGE PLACE
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY**

Beginning at a point, said point having a Northing of 685992.117 and an Easting of 621610.503 in the New Jersey State Plane Coordinate System, NAD 83, based on the project site control; thence

- 1) South 81°24'52" East, a distance of 29.27 feet to a point; thence
- 2) South 08°35'04" West, a distance of 7.00 feet to a point, said point having a Northing of 685980.826 and an Easting of 621638.401 in the New Jersey State Plane Coordinate System, NAD 83, based on the project site control thence
- 3) North 81°24'52" West, a distance of 29.27 feet to a point; thence
- 4) North 08°35'04" East, a distance of 7.00 feet to the Point of Beginning

Encompassing an area of 205 square feet or 0.005 acres, more or less.

This description is prepared in accordance with a plan titled "Proposed Bollard South Easement Path Station, Exchange Place, City of Jersey City, Hudson County, N.J." prepared by Langan Engineering and Environmental Services, Inc. Elmwood Park, New Jersey, Job No. 100105901, dated 15 May 2009, Drawing No. PANJ-BA1.


Joseph E. Romano
Professional Land Surveyor
New Jersey License No. 36273

G:\Data\100105901\Survey Data - 100105901\Office Data\Descriptions\Proposed Bollard South Easement.doc

NJ Certificate of Authorization No: 24GA27996400

RIVER DRIVE CENTER 1 • ELMWOOD PARK, NEW JERSEY 07407-1338 • (201) 794-6900 • FAX: (201) 794-0366
ELMWOOD PARK, NJ NEW YORK, NY NEW HAVEN, CT PHILADELPHIA, PA DOTHEN, PA MIAMI, FL TRENTON, NJ

City Clerk File No. Ord. 10-101

Agenda No. 3.M 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 10-101

TITLE: ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES) ARTICLE I (ATTENDANTS ON DUTY) ADDING SECAUCUS ROAD BETWEEN CENTRAL AVENUE AND SUMMIT AVENUE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 263 (Retail and Commercial Premises) Article I (Attendants on Duty) are hereby adopted:

RETAIL AND COMMERCIAL PREMISES

ARTICLE I Attendants on Duty

§ 263-1. No Change.

§ 263-2. Purpose; findings.

- A. The purpose of this Article regulating business hours of restaurants and retail sales and services businesses on described portions of Communipaw Avenue, Franklin Street, Kennedy Boulevard, Martin Luther King Drive, Monticello Avenue, Ocean Avenue, Pacific Avenue, Palisade Avenue, Sip Avenue, Summit Avenue, and Secaucus Road is to:
- (1) Decrease noise and disturbance associated with the large crowds of juveniles and young adults which congregate around retail businesses, especially fast-food businesses on these streets.
 - (2) Discourage the criminal activities, especially drug-related criminal activities, on these streets.
- B. From evidence provided by residents of the neighborhoods of the vicinity of Communipaw Avenue, Franklin Street, Kennedy Boulevard, Martin Luther King Drive, Monticello Avenue, Ocean Avenue, Pacific Avenue, Palisade Avenue, Sip Avenue, Summit Avenue, and Secaucus Road, and by the Police Department, the City Council finds that:
- (1) Retail fast food establishments and retail sales and services businesses on the described portions of these twelve (12) streets provide a haven for criminal activities and that these activities are difficult to control while these establishments remain open.
 - (2) Crowds of juveniles and young adults are attracted to the neighborhoods of the described portions of Communipaw Avenue, Franklin Street, Kennedy Boulevard, Martin Luther King Drive, Monticello Avenue, Ocean Avenue, Pacific Avenue, Palisade Avenue, Sip Avenue, Summit Avenue, and Secaucus Road by fast food establishments and retail sales and services businesses, which remain open during late-night hours when such establishments in other parts of the city have closed.

**ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES)
 ARTICLE I (ATTENDANTS ON DUTY) ADDING SECAUCUS ROAD BETWEEN
 CENTRAL AVENUE AND SUMMIT AVENUE**

- (3) Encouraged by the presence of fast-food restaurants and retail sales and services businesses, these crowds of juveniles and young adults congregate not only on the main streets but on the adjoining residential streets and parking lots; residents of these neighborhoods who attempt to use the streets are harassed by panhandlers and by rowdy and even malicious juveniles.
- (4) These youths and young adults create a disturbance in the neighborhood which prevents residents from sleeping and walking the streets and from enjoying the peace and quiet of their homes.
- (5) These youths and young adults harass neighborhood residents and pedestrians and cause them to fear for their personal safety and causing an increase in the need for police presence and calls for police service.
- (6) The presence of all-night food establishments and retail sales and services businesses has increased the volume of noise in these neighborhoods as a result in the increase of automobile and pedestrian traffic. The increase in automobile traffic is accompanied by loud radios, car horns and running automobile engines; the increase in pedestrian traffic by loud belligerent behavior, fights and general commotion on the streets.
- (7) The all-night operation of restaurants and retail sales and services businesses has left the streets in these areas covered with debris from food wrappings, bottles, cans and decomposing food products.

§ 263-3. No Change.

§ 263-4. Businesses to be closed during certain hours; exceptions.

A. Subject to Subsection B, no restaurant or retail sales establishment shall conduct any business between the hours of 11:00 p.m. and 5:00 a.m. of the next day in any of the following districts of Jersey City:

TABLE INSET:

Name of Street	From	To
Communipaw Avenue	Martin Luther King Drive	Grand Street
Communipaw Avenue	Monticello Avenue	Westside Avenue
Communipaw Avenue	Pine Street	Manning Avenue
Franklin Street	Central Avenue	Palisade Avenue
Kennedy Boulevard	North Street	Secaucus Road
Martin Luther King Drive	McAdoo Avenue	Communipaw Avenue
Monticello Avenue	Communipaw Avenue	Orchard Street
Ocean Avenue	Bayonne Line	Bramhall Avenue
Pacific Avenue	Communipaw Avenue	Grand Street
Palisade Avenue	Beacon Avenue	North Street
Sip Avenue	Summit Avenue	Bergen Avenue
Summit Avenue	North Street	Secaucus Road
Secaucus Road	Central Avenue	Summit Avenue

**ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES)
ARTICLE I (ATTENDANTS ON DUTY) ADDING SECAUCUS ROAD BETWEEN
CENTRAL AVENUE AND SUMMIT AVENUE**

- B. The restriction upon business hours imposed by Subsection A shall not apply to pharmacies or other holders of plenary retail distribution licenses under the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.; except that the holders of such licenses may not conduct any business between the hours of 11:00 p.m. and 5:00 a.m. other than that permitted by N.J.S.A. 33:1-40.3 and Chapter 84, Alcoholic Beverages.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. 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 accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

AV/he
7/07/10

APPROVED AS TO LEGAL FORM

Rayl Reddy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 10-102

Agenda No. 3.N 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 10-102

TITLE: ORDINANCE AUTHORIZING THE CONVEYANCE OF 117-119 BOSTWICK AVENUE TO THE COMMUNITY ASSET PRESERVATION ALLIANCE OF JERSEY CITY, INC., TO EFFECTUATE THE REHABILITATION OF 13 UNITS OF LOW AND MODERATE INCOME RENTAL HOUSING

COUNCIL offered and moved adoption of the following Ordinance:

WHEREAS, the City of Jersey City is the owner of certain property located within Block 1306, Lot 21.A, more commonly known by the street address of 117-119 Bostwick Avenue [Property]; and

WHEREAS, the City of Jersey City conveyed title to the Property to Fairmount Housing Corporation who obtained a mortgage from USHUD under the Investment Partnership Program to rehabilitate the Property for affordable housing; and

WHEREAS, the Property fell into disrepair, and was foreclosed upon for nonpayment of taxes by the City of Jersey City in 2010; and

WHEREAS, the property is a blight upon the neighborhood; and

WHEREAS, there remains throughout the City of Jersey City a critical need for rental housing affordable to persons of low and moderate income; and

WHEREAS, Community Asset Preservation Alliance of Jersey City, Inc., is a nonprofit corporation organized for the purpose of rehabilitating property for occupancy by families or persons of low or moderate income; and

WHEREAS, the Community Asset Preservation Alliance of Jersey City, Inc., has proposed to purchase the Property from the City of Jersey City for the sum of \$ _____ at closing and assume the existing USHUD Home Investment Partnership Program Mortgage, which mortgage continues to encumber the Property; and

WHEREAS, the Community Asset Preservation Alliance of Jersey City, Inc., has agreed to rehabilitate the 13 units in the Property and commence construction as early as October 1, 2010, but no later than May 1, 2011, in accordance with a Developer's Agreement, attached hereto as Exhibit A; and

WHEREAS, pursuant to N.J.S.A.52:27D-3d, the Fair Housing Act, the City may authorize the private sale of City owned property for the construction of affordable housing for nominal consideration, provided the property remains occupied by families or persons of low and moderate income at affordable rents, for a minimum period of thirty (30) years.

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

2010097

ORDINANCE AUTHORIZING THE CONVEYANCE OF 117-119 BOSTWICK AVENUE TO THE COMMUNITY ASSET PRESERVATION ALLIANCE OF JERSEY CITY, INC., TO EFFECTUATE THE REHABILITATION OF 13 UNITS OF LOW AND MODERATE INCOME RENTAL HOUSING

1. The Mayor or Business Administrator is hereby authorized to execute a Developer's Agreement and Deed and any other documents appropriate or necessary to effectuate the conveyance of 117-119 Bostwick Avenue, Block 1306, Lot 21.A to the Community Asset Preservation Alliance of Jersey City, Inc., a nonprofit corporation, pursuant to the Fair Housing Act, N.J.S.A. 52:27d-301 subject to the following conditions:

- A. Rehabilitation of the Property into 13 units of rental housing affordable to families of low and moderate income for a minimum period of 30 years to commence as early as October 1, 2010 but no later than May 1, 2011;
- B. Payment to the City of Jersey City of the sum of \$ _____ at closing;
- C. Assumption of the mortgage funded pursuant to USHUD's Home Investment Partnership Program and executed by Fairmount Housing in 2000, that continues to encumber the Property;

2. The Developer's Agreement shall be in substantially the form attached, subject to such modifications as the Corporation Counsel or the Business Administrator deems appropriate or necessary.

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

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

5. This ordinance shall take effect at the time and in the manner as provided by law.

6. 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 new material is underlined; words in ~~[brackets]~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

JM/he
7-7-10

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required