



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-082

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE CLAREMONT REDEVELOPMENT PLAN PERMITTING RECREATION AND ENTERTAINMENT USES

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Claremont Redevelopment Plan at its meeting of December 4, 1984; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. permits municipalities to adopt and amend regulations dealing with areas declared to be in need of redevelopment; and

WHEREAS, the Municipal Council seeks to permit recreation and entertainment uses in the Plan area; and

WHEREAS, a copy of the amended text is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ.; and

WHEREAS, the following amendments to the Claremont Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of June 15, 2010; and

WHEREAS, the Planning Board voted unanimously to recommend adoption of these amendments by the Municipal Council;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the recommended amendments to the Claremont Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council 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 repealers of existing provisions.
- E. The City Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:
Robert D. Cotter, PP, AICP
Director of Planning

APPROVED:
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE CLAREMONT REDEVELOPMENT PLAN PERMITTING RECREATION AND ENTERTAINMENT USES

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director, Department of Housing, Economic Development and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

This amendment will permit recreation and entertainment uses in the industrial subdistrict of the Claremont Redevelopment Plan area and provides parking and sign standards for such uses.

4. Reasons for the Proposed Project:

To permit additional uses for currently vacant warehouse buildings and provide a location for recreation and entertainment uses.

5. Anticipated Benefits to the Community:

This amendment will provide a quality location for recreation and entertainment uses.

6. Cost of Proposed Program, Project, etc.: \$0.00, all work was done in house

7. Date Proposed Program or Project will commence: Upon Adoption

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050
Jeff Wenger, City Planning 547-5453

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

June 16, 2010
Date

Carl Czaplicki
Department Director Signature

6/16/2010
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE CLAREMONT REDEVELOPMENT PLAN PERMITTING RECREATION AND ENTERTAINMENT USES

The amendment will permit recreation and entertainment uses in the industrial subdistrict of the Claremont Redevelopment Plan and provides for parking and sign standards for this use.

PROPOSED AMENDMENTS TO THE CLAREMONT REDEVELOPMENT PLAN

AS RECOMMENDED BY THE JERSEY CITY PLANNING BOARD ON JUNE 15, 2010

Text that is unchanged is in plain face type like this.

Text that is deleted is in strike-thru like ~~this~~.

Text that is added is in bold like **this**.

VII. LAND USE PLAN – INDUSTRIAL DISTRICT

A. Permitted Principal Uses –

1. Offices;
2. Light Industry or Manufacturing: Fabrication and/or Assembly and/or Processing where the only activity involved is one of the fabricating or the assembling of standardized parts as contrasted to a processing activity which would involve a physical or chemical process which would change the nature or character of the product or raw material;
3. Scientific or Research Laboratories devoted to research, design or experimentation, and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory activities or are otherwise permitted in this District;
4. Warehousing provided such activity and inventory is conducted entirely within an enclosed structure;
5. Public and Semi Public Uses.
6. **Recreation and Entertainment Uses**

B. Accessory Uses –

1. Off-street parking
2. Fences and walls
3. Loading areas
4. Security stations
5. Storage and wholesaling – not open to the public – of goods and services
6. Utilities
7. ***Green roofs and photovoltaic arrays***

C. Coverage –

The maximum amount of land covered by buildings shall not exceed seventy percent (70%).

D. Parking – *minimum requirements*

1. One (1) space per four hundred (400) square feet for offices;
2. One (1) space per five thousand (5000) square feet for warehouses;
3. One (1) space per one thousand (1000) square feet for manufacturing and laboratories. However, a developer may present a parking needs analysis prepared by a Professional Engineer or Planner in lieu of strict adherence to the above requirements. Upon presentation of such analysis the Planning Board may reduce the requirement for a particular development.
4. ***0.8 space per one thousand (1000) square feet for recreation and entertainment uses. However, a developer may present a parking needs analysis prepared by a Professional Engineer or Planner in lieu of strict adherence to the above requirements. Upon presentation of such analysis the Planning Board may reduce the requirement for a particular development.***

E. Building Height –

Maximum building height permitted shall be sixty (60) feet except on the south side of Caven Point Road east of Commercial Street to the north side of the Turnpike right-of-way where the maximum building height permitted shall be seventy (70) feet as measured from the finished floor to the average roof pitch (not including rooftop mechanicals or mechanical sheds).

F. Yards –

Principal structure may be located up to any street line.

G. Landscaping –

A minimum of fifteen percent (15%) of any lot area shall be landscaped. This amount may be reduced on site provided the applicant can demonstrate that land constraints such as, but not limited to, topography, environmental hazards and/or lot configuration exist and provided that an equivalent amount of offsite landscaping be provided by the applicant at the discretion of the Planning Board.

H. Signs –

Each building shall be permitted no more than two (2) signs; a primary and a secondary sign. The primary sign shall not exceed 100 square feet or 10 percent of the area of the front of the building, whichever is less. Signs shall be encouraged to be attached to the building, and in no case shall a sign be located in a required setback area. The sign may be internally or externally illuminated but no glare from external project identification sign may be located at each entrance of an industrial park providing that such does not exceed sixty (60) square feet in area.

Recreation and entertainment uses greater than 60,000 square feet are permitted one additional single free standing sign not to exceed 200 square feet in area and not to exceed twenty (20) feet above the adjacent turnpike road surface, built on a removable structure that is required to be removed when the entertainment or recreation use is vacated. The Planning Board may require bonding to assure compliance with this requirement. Such signs may be externally lighted with down lights. No external upward glare shall be allowed to escape from the lighting fixtures to prevent "sky-glow."

I. Loading –

1. Manufacturing, Warehouses and Laboratories:

<u>Gross Floor Area</u>	<u>Number of Offstreet Loading Spaces</u>
Less than 10,000 square feet	1 Space
Each additional 20,000 square feet Feet up to 100,000 square feet	1 Space
Each additional 40,000 square feet	1 Space;

2. Offices:

<u>Gross Floor Area</u>	<u>Number of Offstreet Loading Spaces</u>
Less than 25,000 square feet	0 Space
25,000 to 100,000 square feet	1 Space
Each additional 100,000 square feet	1 Space;

Adequate provisions shall be made for the maneuvering of all vehicles.

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

ORDINANCE NO. Ord. 10-082

TITLE: 3.A. JUN 23 2010 4.A. JUL 14 2010



Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Claremont Redevelopment Plan permitting recreation and entertainment uses.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JUN 23 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUL 14 2010 9-0											
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>DONNELLY</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote N.V.-Not Voting (Abstain)

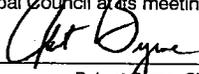
RECORD OF FINAL COUNCIL VOTE											
JUL 14 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2010

Adopted on second and final reading after hearing on JUL 14 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 14 2010


Robert Byrne, City Clerk

APPROVED:


Peter M. Brennan, Council President

*Amendment(s):

Date: JUL 14 2010

APPROVED:


Jeremiah T. Yealy, Mayor

Date JUL 20 2010

Date to Mayor JUL 14 2010



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-083

TITLE:

ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS OF WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND LEXENT METRO CONNECT, LLC TO PERMIT THE INSTALLATION OF FIBER OPTIC CABLING THROUGH EXISTING INNERDUCTS LOCATED IN EXISTING UNDERGROUND CONDUITS WITHIN CERTAIN PUBLIC RIGHTS OF WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

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

WHEREAS, Lexent Metro Connect, LLC (Lexent), 90 White Street, New York, New York, is a telecommunications carrier authorized to provide services such as dark fiber connectivity and high speed data transmission by the New Jersey Board of Public utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, Lexent has requested that the City of Jersey City (City) grant it permission to run fiber optic cabling through existing innerducts located in existing underground conduits located in the public rights of way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Lexent agrees to execute the forty (40) year Rights of Way Use Agreement that is attached hereto; and

WHEREAS, Lexent agrees to pay the City \$1,500.00 to cover the administrative expenses incurred by the City for engineering and legal review of Lexent's Project; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its public rights of way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, particularly its commercial and industrial citizens, for the City to grant consent to Lexent to use the public rights of way within the City; and

WHEREAS, the granting of such consent is conditioned upon Lexent's compliance with all existing City ordinances and its execution of the attached Rights of Way Use Agreement; and

WHEREAS, Lexent agrees to indemnify, defend and hold the City harmless as to all claims and

liability resulting from any injury or damage which may arise from the installation, operation, repair, and maintenance of its telecommunications system within certain public rights of way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:

1. Non-exclusive consent is hereby granted to Lexent to use certain public rights of way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of forty (40) years, subject to the mutual covenants and obligations as set forth in the Rights of Way Use Agreement attached hereto;
 2. The within granted permission is conditioned upon Lexent's executing the Rights of Way Use Agreement attached hereto and providing liability and property damage insurance; and
 3. The Mayor or Business Administrator is authorized to execute the attached Rights of Way Use Agreement or such substantially similar agreement as approved by the City's Corporation Counsel.
- 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: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR
6-16-10

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required

Not Required

RIGHTS OF WAY USE AGREEMENT

THIS RIGHTS OF WAY USE AGREEMENT (“Use Agreement”) is dated

(The “Effective Date”), and entered into by and between the City of Jersey City (“City”), a New Jersey municipal corporation, having its address at 280 Grove Street, Jersey City, New Jersey 07302, and Lexent Metro Connect, LLC (“Lexent”), with offices located at 90 White Street, New York, New York.

RECITALS

WHEREAS, Lexent is a telecommunications carrier authorized to provide services such as dark fiber connectivity and high speed data transmission by the New Jersey Board of Public utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, Lexent has requested that the City grant it permission to run fiber optic cabling through existing innerducts located in existing underground conduits located in the public rights of way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Lexent agrees to execute the forty (40) year Rights of Way Use Agreement that is attached hereto; and

WHEREAS, Lexent agrees to pay the City \$1,500.00 to cover the administrative expenses incurred by the City for engineering and legal review of Lexent’s Project; and

WHEREAS, Lexent agrees to pay the City’s reasonable additional administrative expenses incurred by the City if the Project requires additional engineering and legal review; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its public rights of way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, particularly its commercial and industrial citizens, for the City to grant consent to Lexent to use the public rights of way within the City; and

WHEREAS, the granting of such consent is and shall be conditioned upon Lexent's compliance with all existing ordinances of the City and its entering into the attached Right of Way Use Agreement with the City; and

WHEREAS, Lexent agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights of way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the City and Lexent hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Lexent" is the grantee of rights under this Rights of Way Use Agreement and is known as Lexent Metro Connect, LLC, its successors and assigns.
- c. "City" is the grantor of rights under this Rights of Way Use Agreement and is known as the City of Jersey City, County of Hudson, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Rights of Way" means the areas devoted to passing under, over on or through lands with public utility facilities.
- f. "Underground Conduit" means, in addition to its commonly accepted

meaning, any wires or cable placed therein and any replacement thereof which are similar in construction and use.

Section 2: Grant of Consent.

The City hereby grants Lexent its municipal consent for the non-exclusive use of the public rights of way within the City for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system, subject to the mutual covenants and obligations as set forth in this Right of Way Use Agreement.

Section 3: Public Purpose.

It is deemed to be in the best interests of the City and its citizenry, particularly including commercial and industrial citizens, for the City to grant consent to Lexent to occupy said public rights of way within the City for this purpose.

Section 4: Project Description and Notice to and Approval of City

Lexent will be running fiber optic cabling through existing innerducts located in existing underground conduits located in the public rights of way as shown of Exhibit "A" attached hereto. Any construction to be undertaken for the purposes described herein shall require prior notice by Lexent to the City. Lexent shall fully describe the construction to be undertaken in plans and specifications submitted to the City, and shall obtain approval from, coordinate and work with the appropriate Municipal Department(s) before scheduling and commencing any construction.

Section 5: Scope of Use Agreement.

Any and all rights expressly granted to Lexent under this Right of Way Use Agreement, which shall be exercised at Lexent's sole cost and expense, shall be subject to the prior and continuing right of the City under applicable laws to use any and all parts of the municipal rights of way exclusively or concurrently with any other person or persons, and shall be further subject

to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights of way. Nothing in this Right of Way Use Agreement shall be deemed to grant, convey, create or vest in Lexent a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of and underground conduit, which shall be the sole responsibility of Lexent to undertake and obtain, and subject to notice and approval of the City as described in section 4 herein, the City hereby authorizes and permits Lexent to enter upon the municipal rights of way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in underground conduit owned by public utility companies located within the municipal rights of way as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinances

Lexent shall comply with all existing ordinances of the City as may be amended from time to time and with all future ordinances as may be enacted.

Section 7: Municipal Costs

Lexent agrees to pay to the City \$1,500.00 to cover the reasonable costs incurred by the City for engineering and/or legal review, analysis and preparation of documents related to Lexent's request for municipal consent to its Project. If the Project requires additional engineering and/or legal review, Lexent agrees to pay the City's reasonable administrative expenses that the City incurs.

Section 8: Duration of Consent and Termination of Agreement

The non-exclusive municipal consent granted herein shall expire forty (40) years from the Effective Date of this Right of Way Use Agreement. Upon expiration of such consent, or at such earlier date that Lexent ceases to maintain its facilities, it shall remove the facilities at its cost and

expense.

The City may terminate this Right of Way Use Agreement, or require modification hereof, upon notice and opportunity of Lexent to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry.

Section 9: Indemnification

Lexent, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suites, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Lexent's actions under this Right of Way Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys fees, court costs and any other expenses that may be incurred by the City in connection with any and all claims, demands, suites, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Lexent's activities pursuant to the rights granted in this Right of Way Use Agreement.

Other than in connection with the foregoing third-party claims indemnification, neither the City nor Lexent shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the consents granted hereby.

Section 10. Notices

All notices or other correspondence required or permitted to be given in connection with this Rights of Way Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Lexent at:

With a copy to:

To the
Municipal Engineer
City of Jersey City
575 Route 440
Jersey City, New Jersey 07305

With a copy to:
Corporation Counsel
Jersey City Law Department
City Hall
280 Grove Street
Jersey City, New Jersey 07302

Section 11. Liability Insurance

Lexent shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Right of Way Use Agreement, Lexent shall file Certificates of Insurance with the City with endorsements evidencing the coverage provided by said liability and excess liability policies.

The City shall notify Lexent within fifteen days (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City on account of any of Lexent’s or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Right of Way Use Agreement.

Section 12. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 13. Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 14. Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 15. Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 16. Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 17. Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all

purposes

IN WITNESS WHEREOF, this Right of Way Use Agreement has been executed
as of the date set forth below.

Lexent Metro Connect, LLC

Print name and title:

Witness

Print name and title:

Dated: _____

City of Jersey City

John Kelly
Business Administrator

Robert Byrne
Municipal Clerk

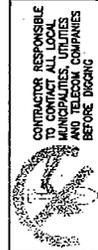
Dated: _____

lexent

90 White St., 3rd Floor
New York, NY 10013
212.981.0700



NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT



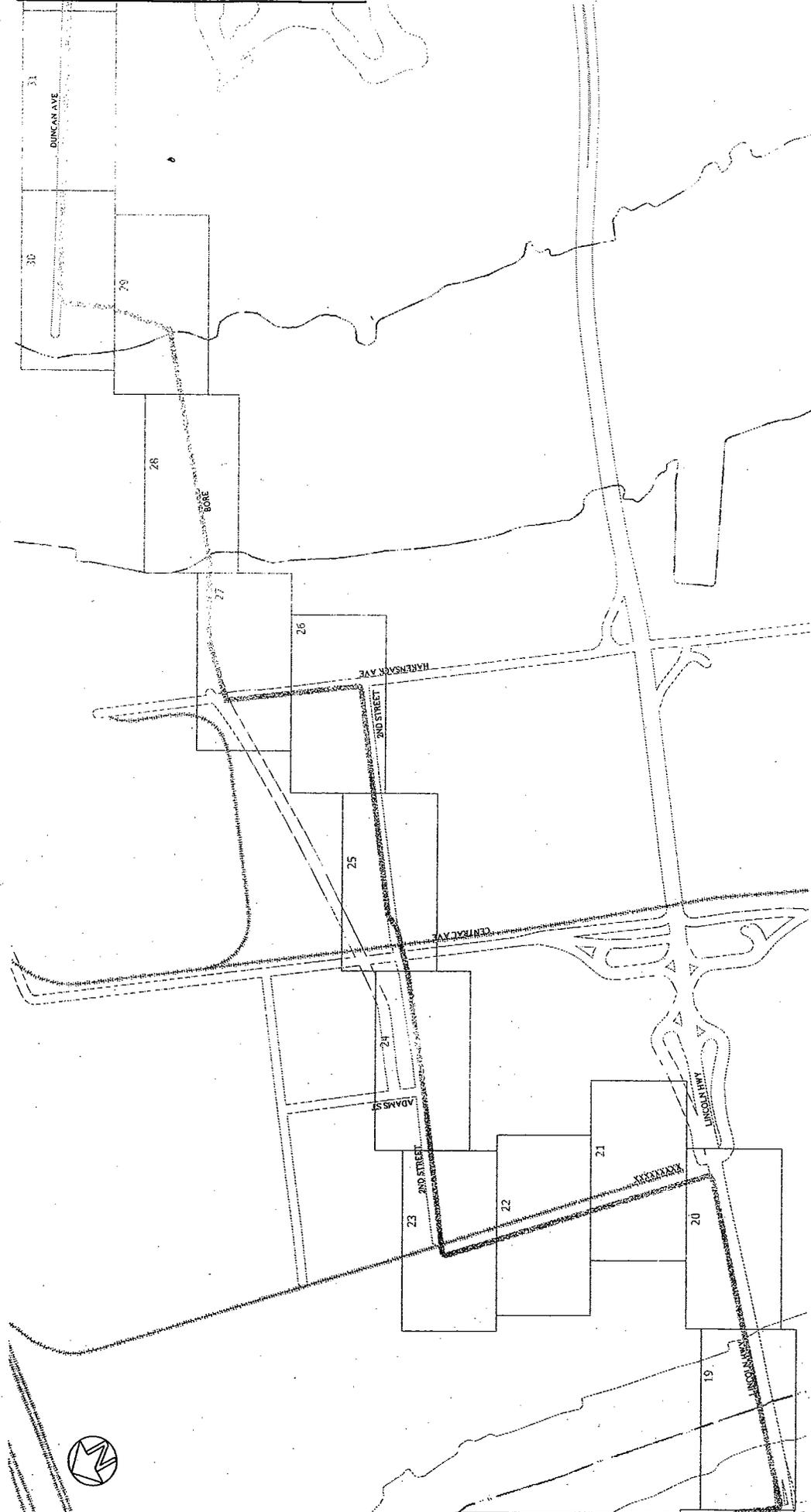
CONTRACTOR RESPONSIBLE
TO CONTACT ALL LOCAL
MUNICIPALITIES, UTILITIES
AND TELECOM COMPANIES
BEFORE DIGGING

APRIL 05, 2010

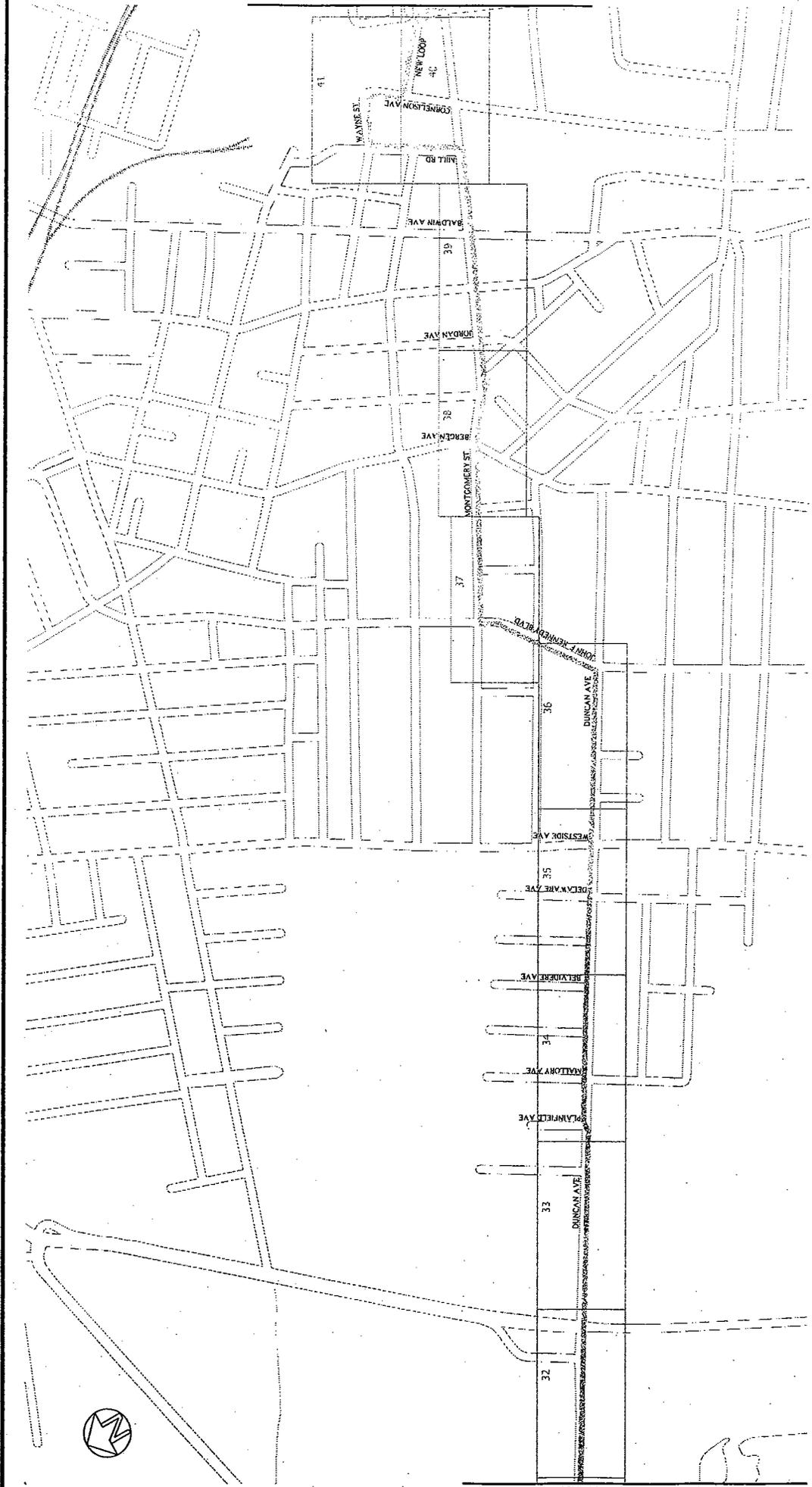
REVISION	DESCRIPTION OF REVISION	DATE	INITIALS

Exhibit "A"

FOR MATCH LINE SEE SHEET D

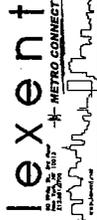


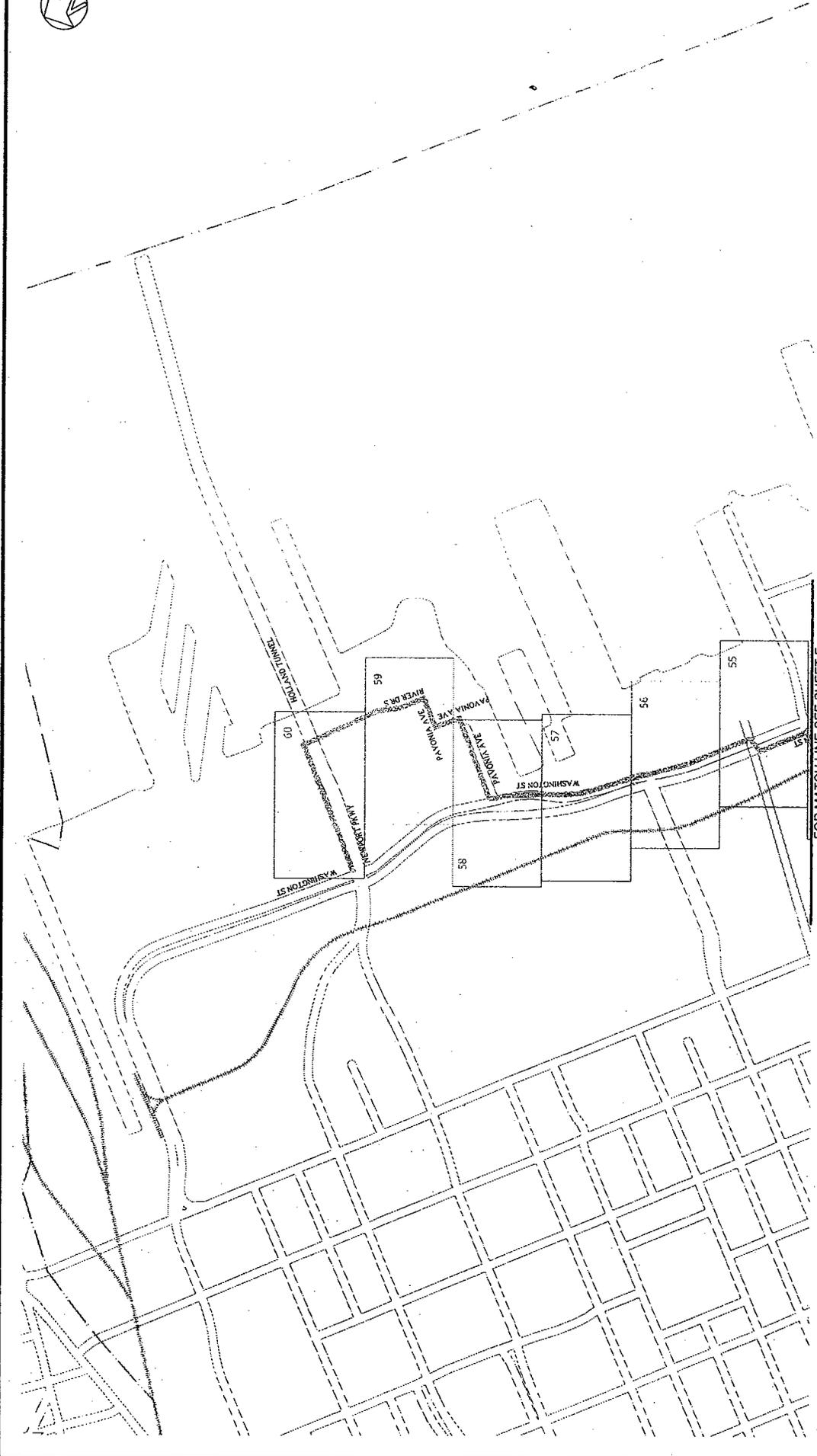
 THE CITY OF METRO CONNECT	REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET# C
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL KEY MAP	INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, REPRODUCED OR IN ANY MANNER, WITHOUT THE WHOLE CONSENT OF LEXENT.
DRAWING NO. INC - N.J.S. HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. / DRAWN S.L. / DATE: 05/09/10 / APPR:	SCALE: N.T.S. DATE:	SHEET 3 of 6



FOR MATCH LINE SEE SHEET C

REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL KEY MAP			
<small>INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, REPRODUCED, COPIED, OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF LEXENT.</small>			
DRAWING NO. JK - NJ 165 HUR ST TO HOLLAND TUNNEL	SCALE: N.T.S.	SHEET # D	
ENG. B.P.	DATE: 04/05/10	APP'D:	DATE:





FOR MATCH LINE SEE SHEET E

REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL KEY MAP			F
DRAWING NO. UK - NJ US HWY ST. TO HOLLAND TUNNEL		SCALE: N.T.S.	DATE:
ENGR: B.P. DRAWING S.L. DATE: 04/05/10 (APPROV):			SHEET 6 of 6



 lexent

 ENGINEERING & ARCHITECTURE

 METRO CONNECT

 1000 WEST 10TH STREET, SUITE 200

 PHILADELPHIA, PA 19104

 TEL: 215-382-1000

 FAX: 215-382-1001

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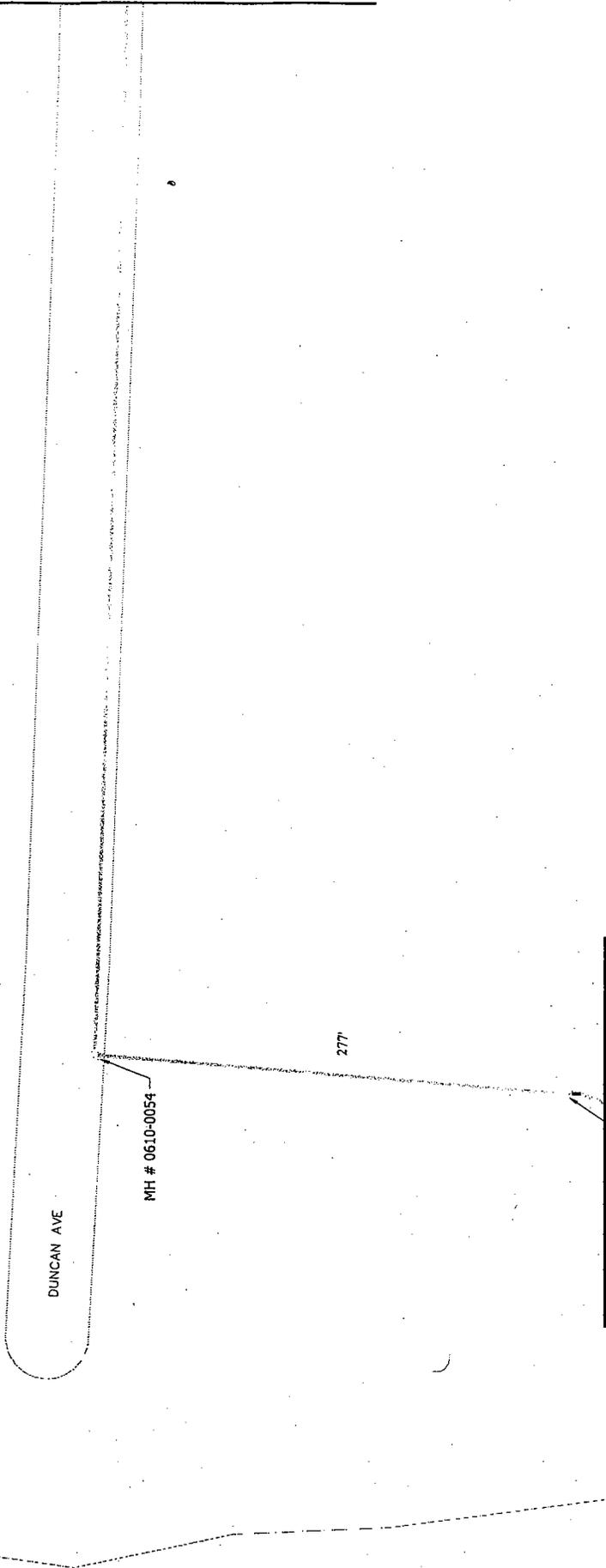
FOR MATCH LINE SEE SHEET 30
MH # 0610-0055



297'

FOR MATCH LINE SEE SHEET 28

REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET # 29	
DRAWING NO. JWC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL		SCALE:	N.T.S.
ENG. B.P.		DATE: 04/05/10	APP'D:
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	DRAWING NO. LK - N.J. 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/06/10 APPR: D. SCALE: N.T.S. DATE:	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	SHEET 30 of 61



DUNCAN AVE

1,221'

MH # 0610-0053

REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET # 31	
DRAWING NO. LMC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P.		SCALE: N.T.S.	DATE:
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		SHEET 31 of 61	

FOR MATCH LINE SEE SHEET 31



DUNCAN AVE

1.265'

DUNCAN AVE

STOCKTON AVE

MH # 0610-0052

FOR MATCH LINE SEE SHEET 32

		REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET # 32 SHEET 32 of 60
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		INFORMATION ON THIS DOCUMENT IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PRESENTED HEREIN.	DRAWING NO. UK - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 (APPR'D): SCALE: N.T.S. DATE:



FREEMAN AVE

DUNCAN AVE

1,283'

DUNCAN AVE

DUNCAN AVE

FOR MATCH LINE SEE SHEET 32

	REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO. LK - NJ 165 HALSEY ST. TO HOLLAND TUNNEL		SCALE: N.T.S.	SHEET # 33	
ENG. B.P.		DATE: 04/05/10	SHEET 33 of 60	



PLAINFIELD AVE

MALLORY AVE

DUNCAN AVE

MH # 0610-0051

DUNCAN AVE

NUNDA AVE

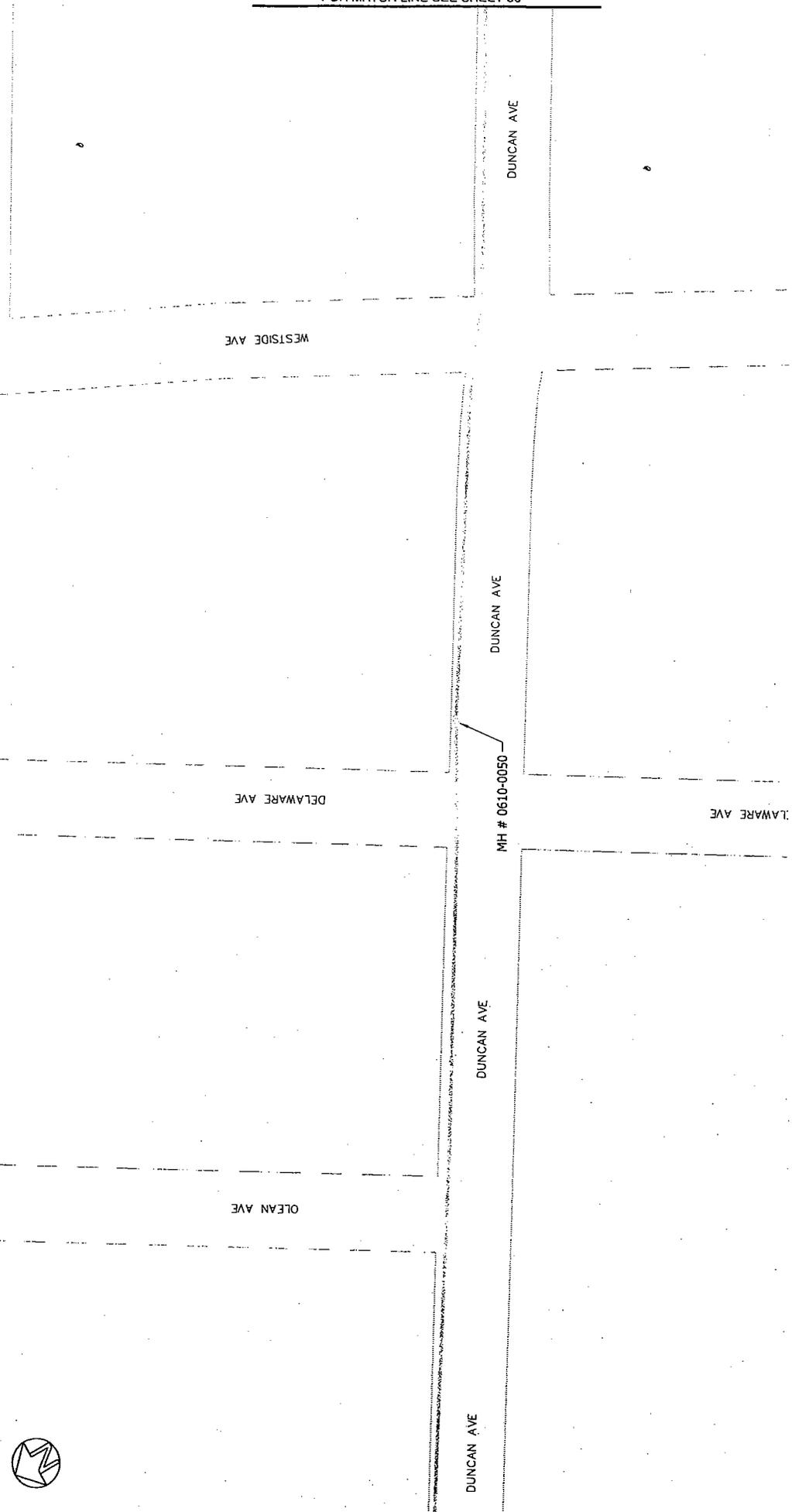
DUNCAN AVE

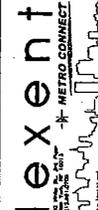
BELVIDERE AVE

1.052'

FOR MATCH LINE SEE SHEET 33

 <small>INCORPORATED</small> <small>1000 W. 10TH ST. #1000</small> <small>ATLANTA, GA 30316</small> <small>TEL: 404.525.1100</small> <small>FAX: 404.525.1101</small> <small>WWW.LEXENT.COM</small>	REVISION DESCRIPTION OF REVISION DATE INITIALS	SHEET# 34 <small>INFORMATION ON THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS THE PROPERTY OF METRO CONNECT AND IS NOT TO BE REPRODUCED OR DISCLOSED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF METRO CONNECT.</small>
	DRAWING NO. LMC - NJ 05 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 APPR: D.	SCALE: N.T.S. DATE:



 LEXENT CONSULTING & ENGINEERING 1000 METRO CENTER SUITE 200 NEWARK, NJ 07102 TEL: 973-261-1100 FAX: 973-261-1101 WWW.LEXENT.COM	REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO. LK - NJ 165 HALSEY ST. TO HOLLAND TUNNEL		SCALE:	N.T.S.	DATE:
ENGR. B.P.		DRAWN: S.L.	DATE: 04/05/10	APPRD:

SHEET# 35

SHEET 35 of 60

FOR MATCH LINE SEE SHEET 37



JOHN F. KENNEDY BLVD

DUNCAN AVE

DUNCAN AVE

MH # 0610-0049

1,374'

NCAN CT

DULO ST

Q

FOR MATCH LINE SEE SHEET 35

	REVISION	DESCRIPTION OF REVISION	DATE	INITIALS
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO.: JAC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG.: B.P. DRAWN: S.L. DATE: 04/05/10 APPR: D.		SCALE: N.T.S.		SHEET# <h1>36</h1>
				SHEET 36 of 6



MONTGOMERY ST

MONTGOMERY ST

MONTGOMERY ST

MONTGOMERY ST

MONTGOMERY ST

MONTGOMERY ST

BRITTON ST

MH # 0610-0048

JOHN F. KENNEDY BLDG

FAIRMOUNT AVE

FAIRMOUNT AVE

FAIRMOUNT AVE

FAIRMOUNT AVE

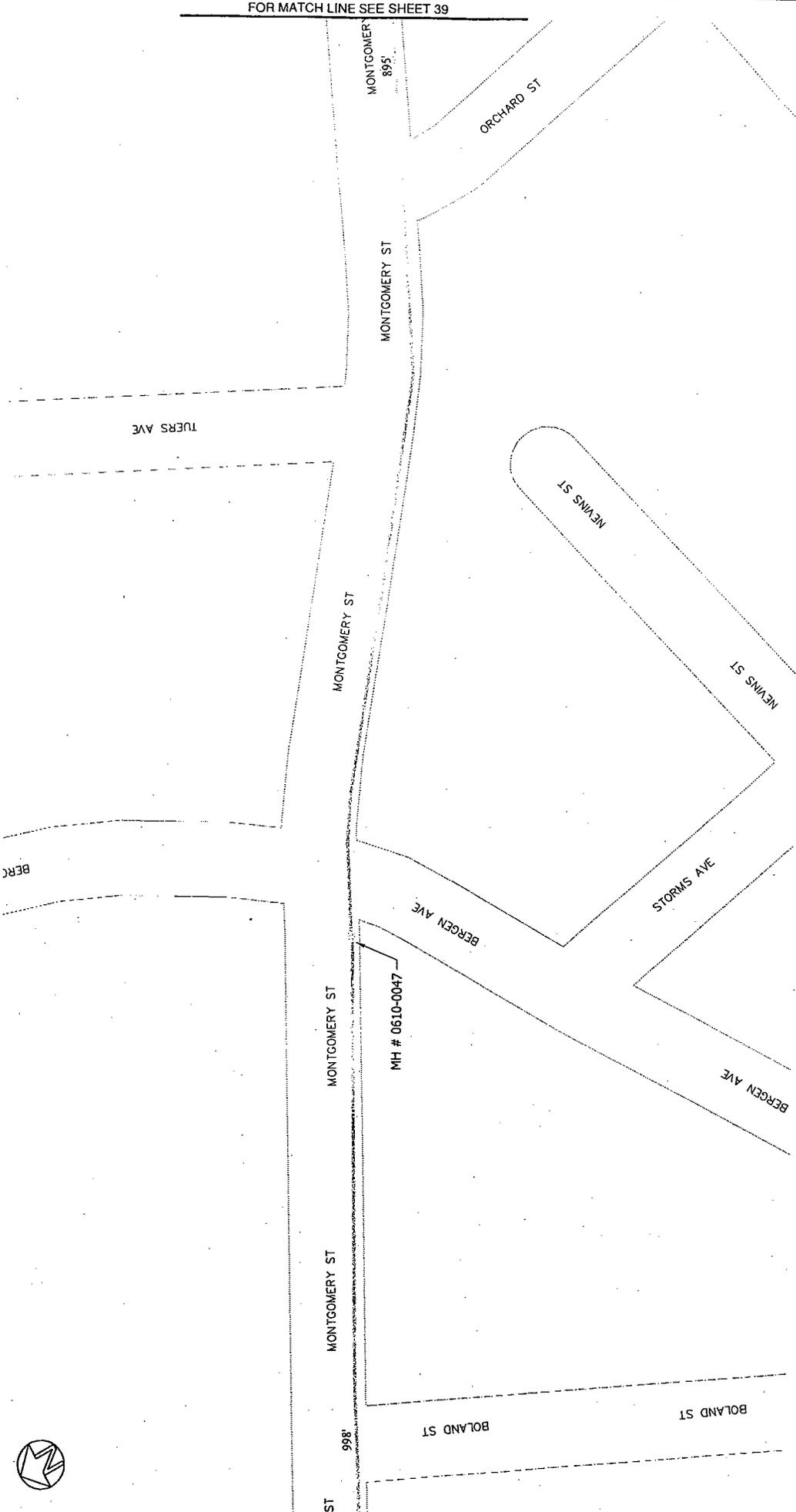
7.18'
FOR MATCH LINE SEE SHEET 38

		NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET# 37
DRAWING NO. 165 ENG. B.P.	DATE: 04/05/10 APPR. D.	SCALE: N.T.S.	DATE: _____ INITIAL: _____	SHEET# 37 of 60

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FOR MATCH LINE SEE SHEET 39

FOR MATCH LINE SEE SHEET 37



		NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	
DRAWING NO. 104 - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG: B.P.	DATE: 04/05/10 APPR: D.	SCALE: N.T.S.	SHEET# 38 DATE:
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SHEET 38 of 60

BALL

SUMM

MONTGOMERY ST 883'

MONTGOMERY ST

MONTGOMERY ST

ST

MH # 0610-0047A

BALDWIN AV

SUMMIT AVE

JORDAN AVE

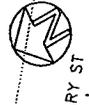
ORCH



JORDAN AVE

 <small>lexent A MEMBER OF METRO CONNECT METRO CONNECT THE POWER OF THE CITY</small>		REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET# 39
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		DRAWING NO. MK - 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN S.L. DATE: 04/05/10 APPR.D.	SCALE: N.T.S. DATE:

FOR MATCH LINE SEE SHEET 41



MH # 0610-0045

MERCERY ST

441

MILL RD

MONTGOMERY ST

MH # 0610-0046

NEW LOOP

594'

NEW LOOP

CORNELISON AV

MONTGOMERY ST

MONTGOMERY ST

MONTGOMERY ST

MH # (

		NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		REVISION	DATE	INITIAL
DRAWING NO. 16C - N.J. HALSEY ST. TO HOLLAND TUNNEL		SCALE: N.T.S.		SHEET # 40		
ENG. B.P.		DRAWING: S.L.		DATE: 04/05/10		APP'D:
						SHEET 40 of 60

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WAYNE ST

WAYNE ST

WAYNE ST

620'

MH # 0610-0044

CORNELISON AV

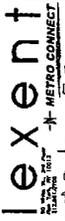
MILL RD

MILL RD

MERCER LOOP

MERCER LOOP

FOR MATCH LINE SEE SHEET 40

 <small>lexent</small> <small>INCORPORATED</small> <small>10000 ROUTE 100</small> <small>NEW JERSEY 07030</small> <small>WWW.LEXENT.COM</small>		NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		REVISION DATE INITIAL	SHEET # 41
DRAWING NO. 11K - N.J. 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWING S.I. DATE: 04/05/10 APPR'D:		INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, REPRODUCED, COPIED, OR IN ANY MANNER, WITHOUT THE WRITTEN CONSENT OF LEXENT.		SCALE: N.T.S. DATE:	SHEET 41 of 60

MONTGOMERY

RISTANO DR

MONTGOMERY ST

MONTGOMERY ST

MONTGOMERY ST

MERCER LOOP

MERCER LOOP



NEW LOOP

2610-0043

FOR MATCH LINE SEE SHEET 41

 <small>lexent</small> <small>ENGINEERING & ARCHITECTURE</small> <small>1000 BROADWAY, SUITE 2000, NEW YORK, NY 10018</small>		DESCRIPTION OF REVISION NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		DATE INITIAL
DRAWING NO. 16K - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P.		SCALE: N.T.S.		SHEET # 42
DATE: 04/05/10		DATE:		SHEET 42 of 60

M

1,192'

COLGATE ST

MONTGOMERY ST

YORK ST

CENTER ST

CENTER ST

MERSELES ST

MERSELES ST

MERSELES ST

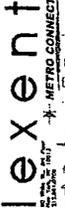
MH # 0610-0042

MONTGOMERY ST

1,218'

CHOPIN CT



 <small>lexent</small> <small>INCORPORATED</small> <small>1000 Halsey St., Suite 200</small> <small>Jersey City, NJ 07310</small> <small>www.lexent.com</small>	REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET# 43
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT DRAWING NO. INC - NJ 45 HALSEY ST. TO HOLLAND TUNNEL ENG: B.P. DRAWN: S.L. DATE: 06/05/10 APPR: [] DATE: [] SCALE: N.T.S.	

MECHANICAL

M

MONMOUTH ST

MONMOUTH ST

MONTGOMERY ST

MONTGOMERY ST

MH # 0610-0041

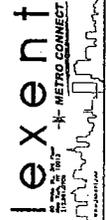
BRUNSWICK ST

BRUNSWICK ST

MONTGOMERY ST

MONTGOMERY ST



	REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO. DWG - NJ 165 HALSEY ST. TO HOLLAND TUNNEL		SCALE: N.T.S.	DATE: 04/05/10 (APPROD.)	
ENGR: B.P.		DRAWING: S.L.	DATE: 04/05/10 (APPROD.)	
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SHEET 44 of 60				



	REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET # 45
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	
DRAWING NO. IWC - NJ US HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWING S.U. DATE: 09/05/10 APPR D:		SCALE: N.T.S. DATE:

MECER ST



BARROW ST

MONTGOMERY ST

MH # 0610-0039

MONTGOMERY ST

MONTGOMERY ST

1:152'

BARROW ST

GROVE ST

YORK ST

418'

YORK ST

YORK ST

FOR MATCH LINE SEE SHEET 45

FOR MATCH LINE SEE SHEET 47

	REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO. LUC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL		SCALE: N.T.S.	SHEET # 46	
ENG. B.P.		DATE: 04/05/10	APPRD.	

SHEET 46 of 60

FOR MATCH LINE SEE SHEET 46

FOR MATCH LINE SEE SHEET 48



10-0038

GROVE ST

GRAND ST

GRAND ST

GRAND ST

MARIN BLVD

MARIN BLVD

		REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET # 47
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		INFORMATION ON THIS DOCUMENT IS THE PROPERTY OF LEXENT. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT TO BE REPRODUCED OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF LEXENT.	SHEET 47 of 60
DRAWING NO. UK - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P.	SCALE: N.T.S. DATE: 04/05/10 APPRD:		

WARREN ST

GRAND ST

MH # 0610-0037

GRAND ST

VAN VORST ST

YORK ST

VAN VORST ST

GRAND ST

1:25

GRAND ST

YORK ST

YORK ST

MARIN BLVD



FOR MATCH LINE SEE SHEET 47

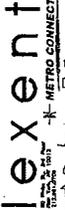
REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
lexent <small>INCORPORATED</small> <small>165 HALSEY ST. - SUITE 100 - HOLLAND TUNNEL</small> <small>NEW JERSEY 07030</small> <small>TEL: 201-992-1100</small> <small>FAX: 201-992-1101</small> <small>WWW.LEXENT.COM</small>		SHEET # <h1>48</h1> SHEET 48 of 60	
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO. INC - NJ 06 HALSEY ST. TO HOLLAND TUNNEL ENG: B.P. DRAWN: S.L. DATE: 04/05/10 APPR'D:		SCALE: N.T.S. DATE:	
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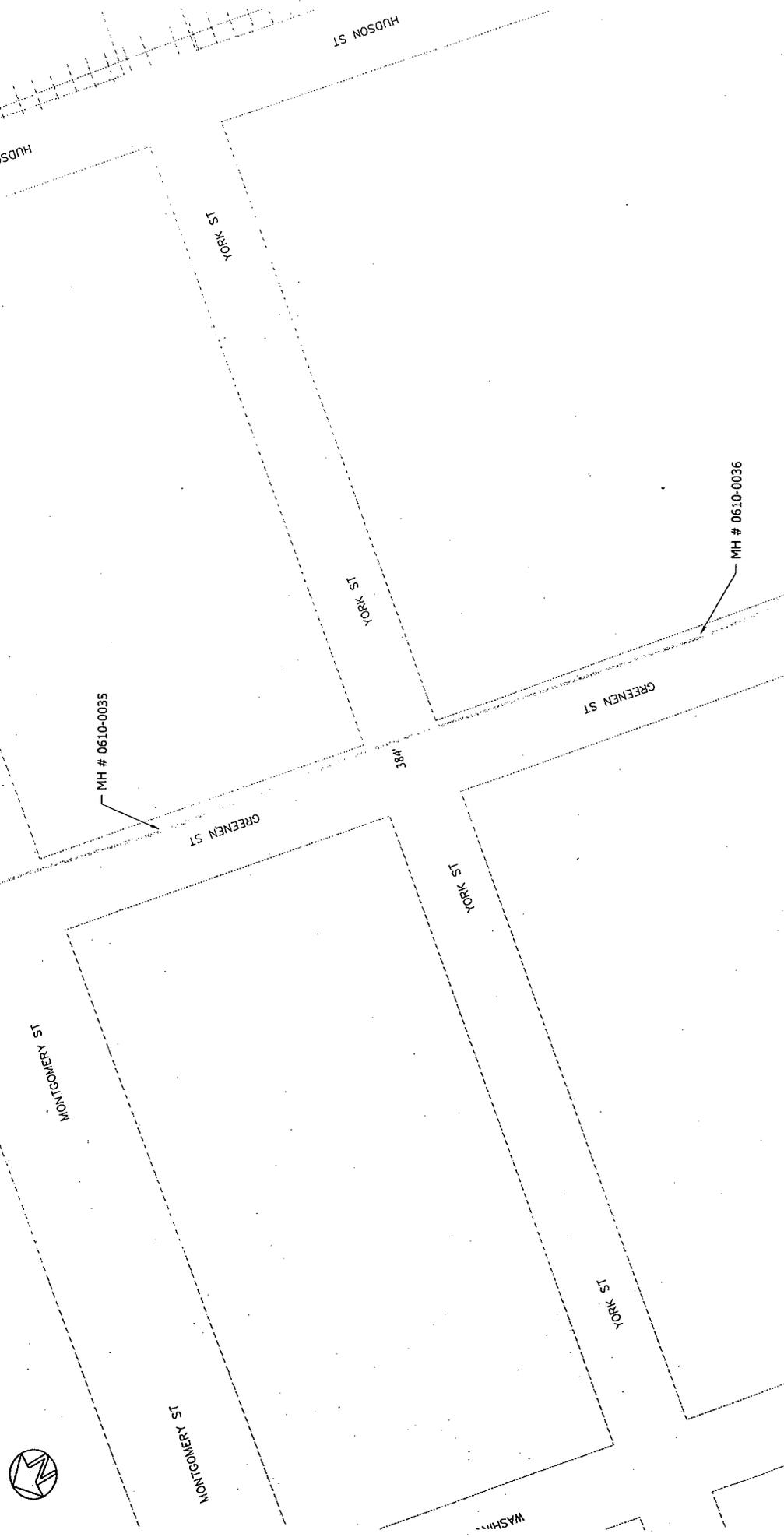


FOR MATCH LINE SEE SHEET 48

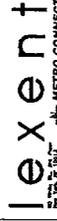


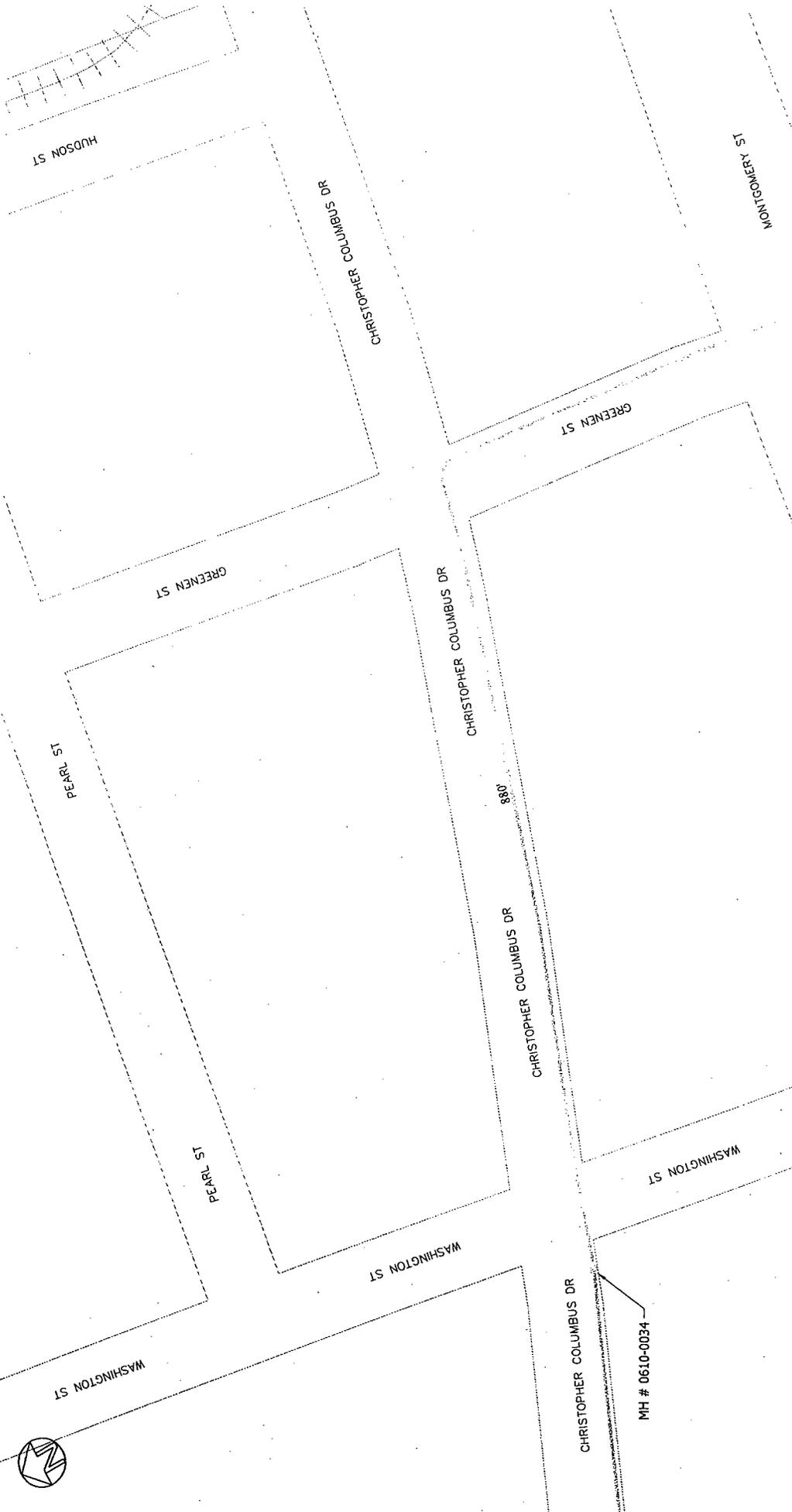
 <small>lexent INCORPORATED 165 HALSEY ST. 3RD FLOOR NEWARK, NJ 07102 TEL: 973-261-1100 WWW.LEXENT.COM</small>		NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT DRAWING NO. 1W - NJ 145 HALSEY ST. TO HOLLAND TUNNEL ENG: B.P. DRAWN: S.L. DATE: 04/09/10	REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET# 49 SHEET 49 of 60
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FOR MATCH LINE SEE SHEET 51



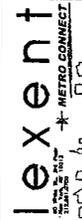
FOR MATCH LINE SEE SHEET 49

 <small>lexent</small> <small>INCORPORATED</small> <small>1000 WASHINGTON ST. SUITE 200</small> <small>NEWARK, NJ 07102</small> <small>TEL: 973.261.1000</small> <small>FAX: 973.261.1001</small> <small>WWW.LEXENT.COM</small>	REVISION _____ _____ _____	DESCRIPTION OF REVISION _____ _____ _____	DATE _____ _____ _____	INITIAL _____ _____ _____
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT			
DRAWING NO. UNC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG: B.P. DRAWN: S.L. DATE: 04/09/10 APPR'D: _____		SCALE: N.T.S. INFORMATION ON THIS DOCUMENT IS PREPARED AND SHALL NOT BE USED, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF LEXENT.		SHEET# 50 SHEET 50 of 60



FOR MATCH LINE SEE SHEET 52

FOR MATCH LINE SEE SHEET 50

 <small>lexent CONSULTING & ENGINEERING 1000 ROUTE 100 SUITE 200 METRO CONNECT METRO CONNECT 1000 ROUTE 100 SUITE 200 METRO CONNECT</small>		SHEET # <h1>51</h1>
REVISION DESCRIPTION OF REVISION DATE INITIAL	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	
DRAWING NO. IJC - NJ 106 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P.	DATE: 04/05/10 APPR.D.	SCALE: N.T.S. DATE:

SHEET 51 of 60

FOR MATCH LINE SEE SHEET 53



MORGAN ST

WARREN ST

STEBEN ST

MH # 0610-0033

STEBEN ST

STEBEN ST

STEBEN ST

WARREN ST

CHRISTOPHER COLUMBUS DR

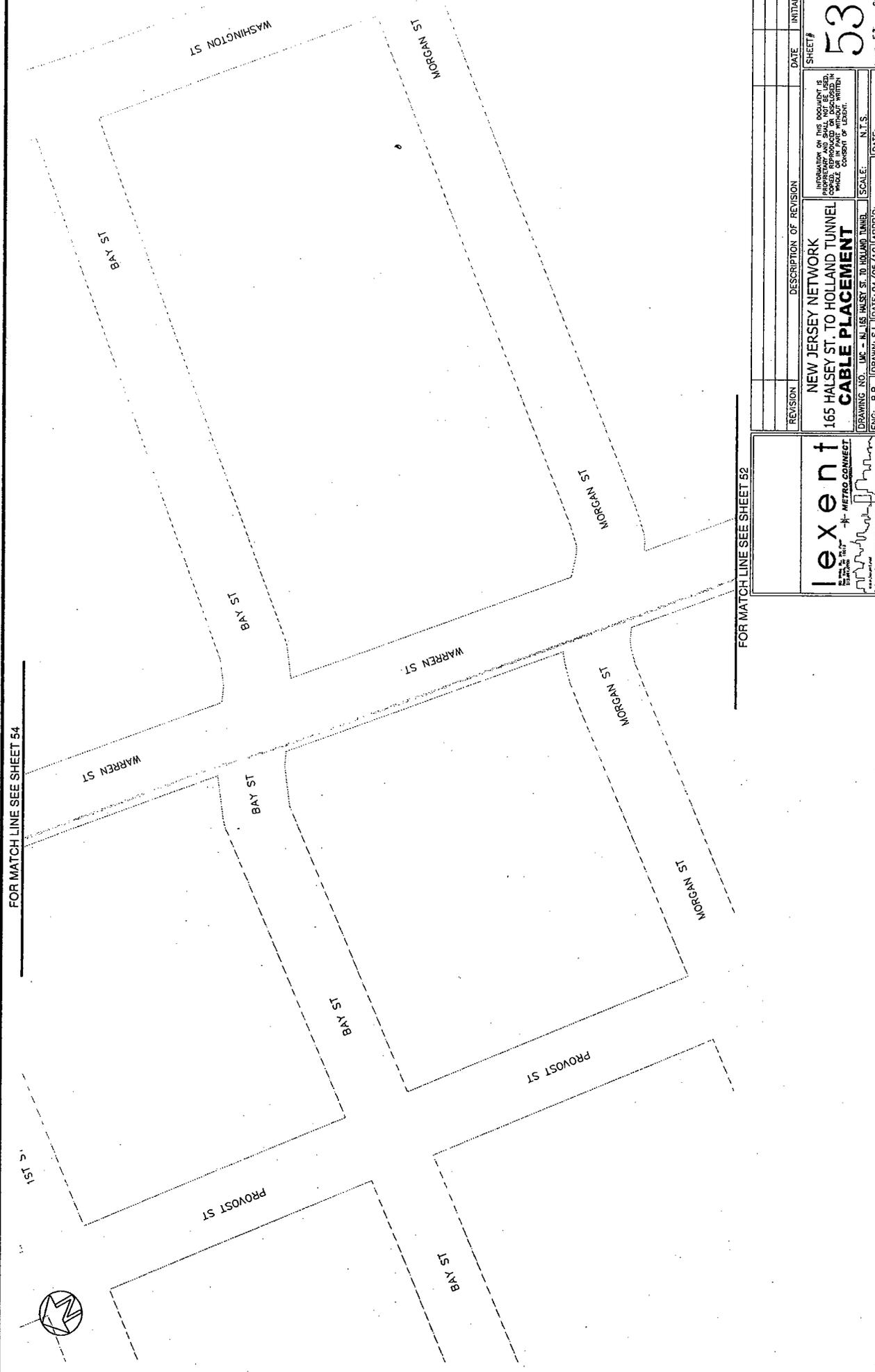
CHRISTOPHER COLUMBUS DR

158

		REVISION DESCRIPTION OF REVISION DATE INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET # 52
DRAWING NO. LMC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 APPR'D:		INFORMATION ON THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE IN FULL OR IN PART WITHOUT WRITING PERMISSION OF THE CONTRACTOR OF LABOR. SCALE: N.T.S. DATE:

FOR MATCH LINE SEE SHEET 54

FOR MATCH LINE SEE SHEET 52



REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET # <h1>53</h1>	
DRAWING NO. LK - NJ-165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P.		SCALE: N.T.S. DATE:	

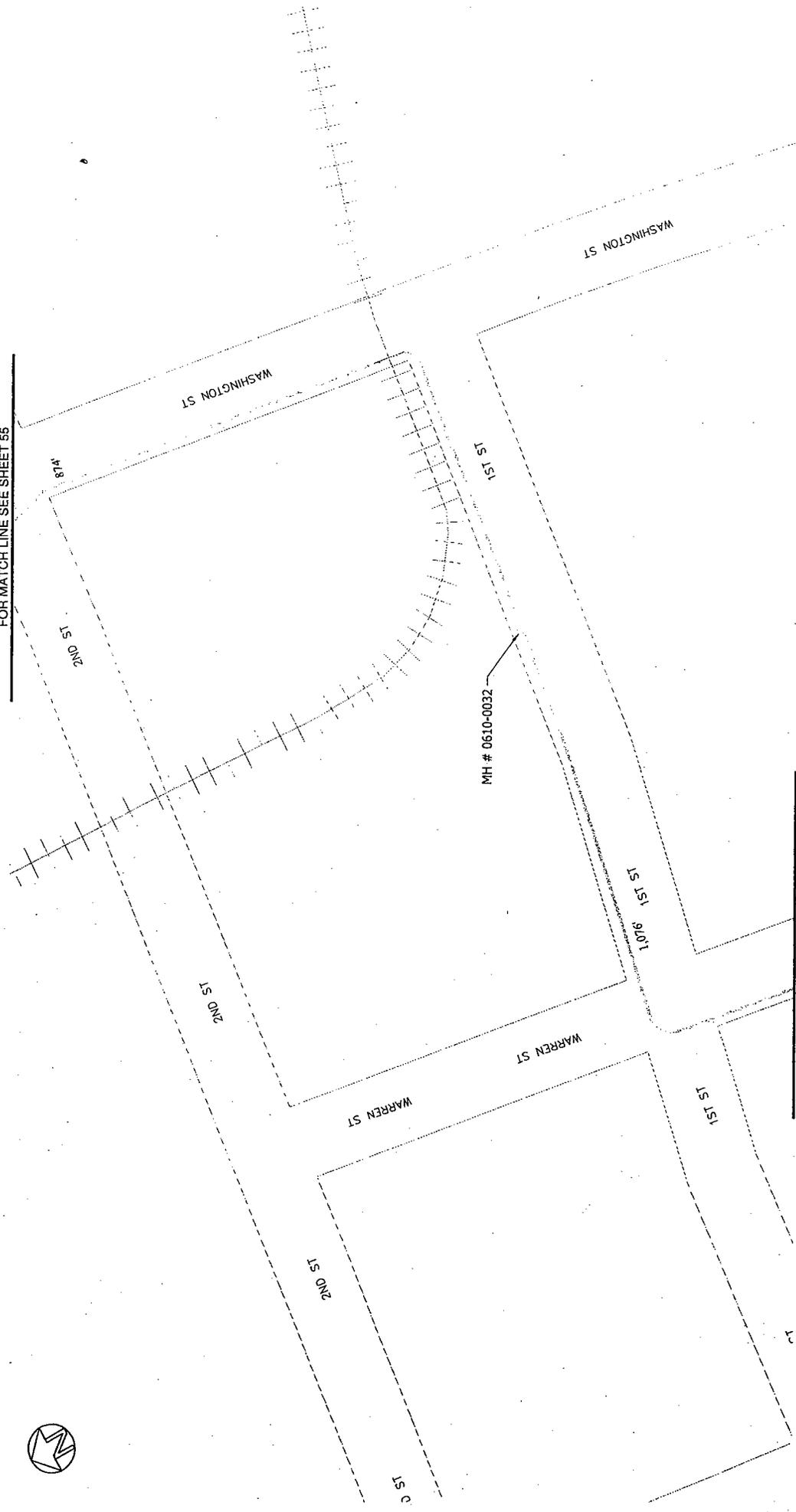
Lexent
Engineering & Construction
METRO CONSULTANT

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FOR MATCH LINE SEE SHEET 55

FOR MATCH LINE SEE SHEET 53



 <small>Lexent INCORPORATED 1000 W. 10TH ST. METRO CONNECT NEW JERSEY</small>	REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET# 54
	NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	
DRAWING NO. INC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 APPR.D. N.J.S.		SCALE: N.T.S. DATE:



FOR MATCH LINE SEE SHEET 56

MH # 0610-0029

WASHINGTON BLVD.

WASHINGTON BLVD.

2ND ST

FOR MATCH LINE SEE SHEET 54

		NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET # 55
DRAWING NO. 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. (DATE: 04/05/10) (APP'D:)	SCALE: N.T.S. DATE:	REVISION DESCRIPTION OF REVISION DATE INITIAL	<small> INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE LOANED, REPRODUCED, COPIED, REPRODUCED, OR IN ANY MANNER DISCLOSED WITHOUT THE WRITTEN CONSENT OF LEXENT. </small>	



FOR MATCH LINE SEE SHEET 57

8251

15 H19

SHINGTON BLVD.

FOR MATCH LINE SEE SHEET 55

 Lexent <small>Engineering & Construction</small> <small>10000 METRO DRIVE, SUITE 200, METRO CENTER, NEW YORK, NY 10022</small> <small>TEL: (212) 512-1000 FAX: (212) 512-1001</small>		REVISION DESCRIPTION OF REVISION DATE INITIAL	SHEET # 56
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		DRAWING NO. UJ-165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 APPR'D:	SCALE: N.T.S. DATE:
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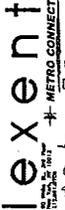


FOR MATCH LINE SEE SHEET 56

WASHINGTON B

WASHINGTON BLVD.

FOR MATCH LINE SEE SHEET 56

 <small>lexent</small> <small>INCORPORATED</small> <small>1000 HIGHLAND AVE</small> <small>SPRINGFIELD, NJ 07081</small>		<small>NEW JERSEY NETWORK</small> <small>165 HALSEY ST. TO HOLLAND TUNNEL</small> CABLE PLACEMENT		<small>REVISION</small> <small>DATE</small> <small>INITIAL</small>	<small>SHEET#</small> 57
<small>DRAWING NO. 100 - NJ 165 HALSEY ST. TO HOLLAND TUNNEL</small> <small>ENG. B.P.</small>		<small>SCALE: N.T.S.</small> <small>DATE: 04/26/10</small>		<small>INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, REPRODUCED, COPIED, OR TRANSMITTED IN ANY MANNER OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF LEXENT.</small>	
<small>DATE: 04/26/10</small>		<small>APPROVED:</small>		<small>SHEET 57 of 60</small>	

PAVONIA AVE

52A

MH # 0610-0029

PAVONIA AVE

WASHINGTON BLVD.

VD

FOR MATCH LINE SEE SHEET 57



REVISION	DESCRIPTION OF REVISION	DATE	INITIAL
NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT		SHEET# <h1>58</h1>	
DRAWING NO. LMC - NJ-05 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 APPR.D.		INFORMATION ON THIS DOCUMENT IS THE PROPERTY OF LEXENT. IT IS TO BE COPIED, REPRODUCED OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF LEXENT. SCALE: N.T.S. DATE:	
		SHEET 58 of 60	

FOR MATCH LINE SEE SHEET 60



FOR MATCH LINE SEE SHEET 58

 <small>lexent</small> <small>INCORPORATED</small> <small>10000 METRO CONNECT</small> <small>10000 METRO CONNECT</small> <small>10000 METRO CONNECT</small>	REVISION 	DESCRIPTION OF REVISION NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	DATE 	INITIAL
	DRAWING NO. UIC - NJ US HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L.J. DATE: 04/05/10 APPR.D:	SCALE: N.T.S.	INFORMATION ON THIS DOCUMENT IS THE PROPERTY OF LEXENT, INC. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF LEXENT.	SHEET# 59



MH # 0610-0026

MH # 0610-0025

77A

NEWBURY PARK NY

SAS

FOR MATCH LINE SEE SHEET 59

 <small>Lexent</small> <small>TRAINING & CONSULTING</small> <small>1000 ROUTE 208, SUITE 200, FORT LEE, NJ 07024</small> <small>WWW.LEXENT.COM</small>	REVISION _____ _____ _____	DESCRIPTION OF REVISION NEW JERSEY NETWORK 165 HALSEY ST. TO HOLLAND TUNNEL CABLE PLACEMENT	DATE _____ _____ _____	INITIAL _____ _____ _____
	DRAWING NO. IJC - NJ 165 HALSEY ST. TO HOLLAND TUNNEL ENG. B.P. DRAWN: S.L. DATE: 04/05/10 APPR: D.	SCALE: N.T.S.	INFORMATION ON THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS TO BE RELEASED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF LEXENT.	SHEET# 60

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

ORDINANCE NO. Ord. 10-083
 TITLE: 3.B. JUN 23 2010 4.B. JUL 14 2010



Ordinance authorizing the execution of a rights of way use agreement between the City of Jersey City and Lexent Metro Connect, LLC to permit the installation of Fiber Optic cabling through existing innerducts located in existing underground conduits within certain public rights of way for purposes of providing telecommunication services.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JUN 23 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUL 14 2010 9-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA,			

✓ Indicates Vote N.V.-Not Voting (Abstain)

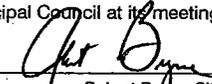
RECORD OF FINAL COUNCIL VOTE											
JUL 14 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

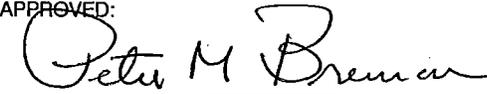
✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2010

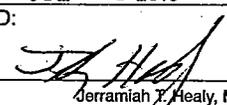
Adopted on second and final reading after hearing on JUL 14 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 14 2010


 Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan Council President

*Amendment(s):

Date: JUL 14 2010
 APPROVED:

 Jerramiah T. Healy, Mayor

Date JUL 20 2010

Date to Mayor JUL 14 2010



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-084

TITLE:
ORDINANCE REMOVING THE AFFORDABILITY RESTRICTIONS FROM: 1) A DEED DATED DECEMBER 31, 1986 AND 2) A CORRECTORY DEED DATED AUGUST 26, 1987 CONCERNING BLOCK 1986, LOT 5-A ALSO KNOWN AS 240 BERGEN AVENUE OWNED BY FAIRMOUNT HOUSING CORPORATION

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

WHEREAS, the City of Jersey City (City) transferred Block 1986, Lot 5-A a/k/a 240 Bergen Avenue [Property] to Fairmount Housing Corporation [Fairmount] for \$1.00 by Deed dated December 31, 1986, recorded in Deed Book 3676 at page 137, attached as Exhibit A to construct low income housing; and

WHEREAS, the City of Jersey City (City) delivered a Correctory Deed for the Property dated August 26, 1987, recorded in Deed Book 3824 at page 9, attached as Exhibit B; and

WHEREAS, the Deeds contain the following restrictions and covenants:

1. Covenants to construct thirty-eight (38) units of rental housing on the Property by December 31, 1988 and immediately rent and continually re-rent such units to persons only of low or moderate income and only for rent affordable to such persons for a minimum period of fifteen (15) years.
2. Comply with all terms and conditions contained in Ordinance C-345 of the Jersey City Municipal Council which Ordinance authorized the transfer.
3. Any profit realized by the Fairmount from the resale of these Properties was to be applied to the costs of acquiring and developing other City-owned Property for residential use for low and moderate income persons.

WHEREAS, in addition to conveying the Property, the City established an escrow account in the amount of \$10,000 to allow Fairmount to close on a construction loan because of judgment liens which were recorded against the owners of the property preceding the City taking title; and

WHEREAS, Resolution C-2266 approved on July 14, 1987 authorized the City Corporation Counsel to set up the interest bearing escrow account with Trust Company Bank to be held by the law firm of Ruskin, Kors, Meltzer, Rubin, Starr & Hoberman and to remain open until the judgment liens were discharged or canceled; and

WHEREAS, Fairmount now proposes to sell the Property for the sum of \$240,000 and has provided the City with its payables list from the proceeds of the sale (Exhibit C); and

WHEREAS, in order to sell the Property, Fairmount requires that the City release the 15 year affordability restrictions contained in the Deeds which has expired; and

WHEREAS, the City has advised Fairmount that the release of the controls contained in the Deeds is subject to Fairmount returning the escrow monies to the City; and

WHEREAS, Fairmount has advised the City that as a result of the law firm's subsequent merger, the escrow account became inactive and the monies escheated to the State of New Jersey; and

WHEREAS, Fairmount acknowledges that the escrow monies belong to the City and has filed an Unclaimed Property Claim with the State of New Jersey (Exhibit D); and

WHEREAS, a statement of accounts dated February 29, 2000 indicated that the escrow balance was \$15,429.16; and

WHEREAS, Fairmount has agreed to set aside from the proceeds of the sale of the Property the sum of \$25,000, reflecting an estimated reasonable amount to be held in abeyance; and

WHEREAS, Fairmount is uncertain as to when the State will return the escrow monies to the law firm, so the City has suggested a period of 6 months, which may be extended upon good cause by Fairmount; and

WHEREAS, Fairmount has agreed that if they are unable to obtain the escrow monies directly from the State of New Jersey, they will release from the funds being held in abeyance the amount that the parties determine to be owed to the City with interest to date; and

WHEREAS, it is in the best interests of the City to remove the affordability controls on the Property so that it can be sold to a private buyer in order to return the Property to the tax rolls.

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

1. Block 1986, Lot 5-A also known as 240 Bergen Avenue is hereby released from all of the restrictions and covenants contained in the Deed from the City of Jersey City to Fairmount Housing Corporation dated December 31, 1986 and recorded in Deed Book 3676 at Page 137.
2. Block 1986, Lot 5-A also known as 240 Bergen Avenue is hereby released from all of the restrictions and covenants contained in the Correctory Deed from the City of Jersey City to Fairmount Housing Corporation dated August 26, 1987 and recorded in Deed Book 3824 at Page 9.
3. Fairmount shall keep the City of Jersey City informed regarding the Unclaimed Property Claim Inquiry for the escrow monies filed with the State of New Jersey on June 3, 2010.
4. Fairmount shall hold in abeyance from the proceeds of the sale of the property, the sum of \$25,000 pending the return of the escrow monies from the State of New Jersey.
5. If Fairmount is unable to obtain the funds directly from the State of New Jersey, they will release from the funds being held in abeyance the amount that the parties determine to be owed to the City with interest to date.
6. The Mayor is hereby authorized to execute this Ordinance and a Notary Public notarize the acknowledgment contained herein in accordance with law so that same may be recorded in the Hudson County Register's Office.
 - 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*.

In Witness Whereof, the City of Jersey City has caused these presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereto affixed that day and year first above written.

WITNESS

CITY OF JERSEY CITY

 Robert Byrne, City Clerk

 Jerramiah T. Healy, Mayor

STATE OF NEW JERSEY)

SS:

COUNTY OF HUDSON)

BE IT REMEMBERED, that on this _____ day of _____ Two Thousand Nine before me the subscriber, a Notary Public of the State of New Jersey personally appeared Robert Byrne who, made proof to my satisfaction that he is the City Clerk Jersey City a municipal corporation of the State of New Jersey, that he well knows the corporate seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation, that the said seal was so affixed and the said instrument signed and delivered by Jerramiah T. Healy who was at the date thereof the Mayor of said municipal corporation, in the presence of this deponent, and said Mayor, at the same time acknowledged that he signed, sealed and delivered the same as his voluntary act and deed, and as the voluntary act and deed of said corporation, and that deponent, at the same time subscribed his name to said instrument as a witness to the execution thereof.

Sworn and subscribed to
 Before me this _____ day
 of _____, 2010.

 Notary Public

 Robert Byrne, City Clerk

IGW/kn
 6-23-10

APPROVED AS TO LEGAL FORM

 Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required

Not Required

01-1575

This Indenture,

Made the 31st day of December in the year One Thousand Nine Hundred and eight-six

Between CITY OF JERSEY CITY, a Municipal Corporation of the State of New Jersey, party of the first part;

And /s/ FAIRMONT HOUSING CORPORATION

of the City of Jersey City in the County of Hudson and State of New Jersey party of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of

\$1.00 and other good and valuable consideration.

lawful money of the United States of America, to it in hand well and truly paid by the said party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and paid, has given, granted, bargained, sold, aliened, released, confirmed, conveyed and confirmed, and by these presents does give, grant, bargain, sell, alien, release, confirm, convey and confirm unto the said party of the second part, and to the heirs, successors and assigns forever of the said party of the second part,

All that tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the City of Jersey City, in the County of Hudson and State of New Jersey, shown on the official tax map of the City of Jersey City as being Lot L-14 of Block 1985 and Lots 1A and 5A of Block 1986 and more commonly known by the following respective street addresses:

136-138 Grant Avenue
149 Grant Avenue (also known as 248 Bergen Avenue)
and 240 Bergen Avenue

The grantee, for itself, its heirs, executors, administrators and assigns covenants that it will construct 38 units of rental housing on the property by December 31, 1988 and will immediately rent and continue to rent such units to persons only of low or moderate income and only for rent affordable to such persons for a minimum period of 15 years commencing upon the date of the issuance of a certificate of occupancy for each unit.

The grantee further covenants for itself, its heirs, executors, administrators, and assigns that it will comply with all terms and conditions contained in Ordinance C-345 of the Jersey City Municipal Council which Ordinance authorized the within transfer unless specifically modified by a subsequent ordinance of the Municipal Council.

It is hereby mutually made a covenant of this sale that if grantee does not or cannot cure a violation of any of the above terms and conditions within 30 days of being served with a notice of violation by the grantor, and the grantor obtains a determination of violation from a court of competent jurisdiction, then the grantor may at its sole option seek either damages from the grantee or cause title to the property revert to the grantor.

PREPARED BY: *Jeanne Monahan*
JEANNE MONAHAN

Vol. 3676 137

676 136

Exhibit A

TITLE:
AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY TO THE FAIRMOUNT HOUSING CORP. FOR THE DEVELOPMENT THROUGH REHABILITATION OF THIRTY-EIGHT (38) RENTAL UNITS FOR LOW AND MODERATE INCOME HOUSEHOLDS.

D. The City Clerk and the Corporation Council 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 repeals of existing provisions.

NOTE: All material in new, therefore, underlining has been omitted. For purpose of advertising only, new matter is indicated by bold face and repealed matter by italics.

R. Michael Baker
 for RICK COHEN, Director
 Housing and Economic Development

Paul D. Williams
 RYAN O'REILLY, Director
 Real Estate
 Approved as to legal form
 Thomas G. Sedell
 Corporation Counsel

Joseph Lopez
 JOSEPH J. LOPEZ
 Business Administrator

LETTER: to be a true copy of
 C. 395 as amended by the
 Municipal Council of the
 City of Jersey City at its meeting of
Thomas F. Smith
 City Clerk

TITLE:
AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY TO THE FAIRMOUNT HOUSING CORP. FOR THE DEVELOPMENT THROUGH REHABILITATION OF THIRTY-EIGHT (38) RENTAL UNITS FOR LOW AND MODERATE INCOME HOUSEHOLDS.

RECORD OF COUNCIL VOTE ON INTRODUCTION

MEMBER	AY	NO	ABST.	EXCUSED	PRESENT
CONOVER	X				
FRUCHOSE	X				
WART	X				
CONOVER				X	
FRUCHOSE				X	
WART				X	
CONOVER					X
FRUCHOSE					X
WART					X

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

MEMBER	AY	NO	ABST.	EXCUSED	PRESENT
CONOVER	X				
FRUCHOSE	X				
WART	X				
CONOVER				X	
FRUCHOSE				X	
WART				X	
CONOVER					X
FRUCHOSE					X
WART					X

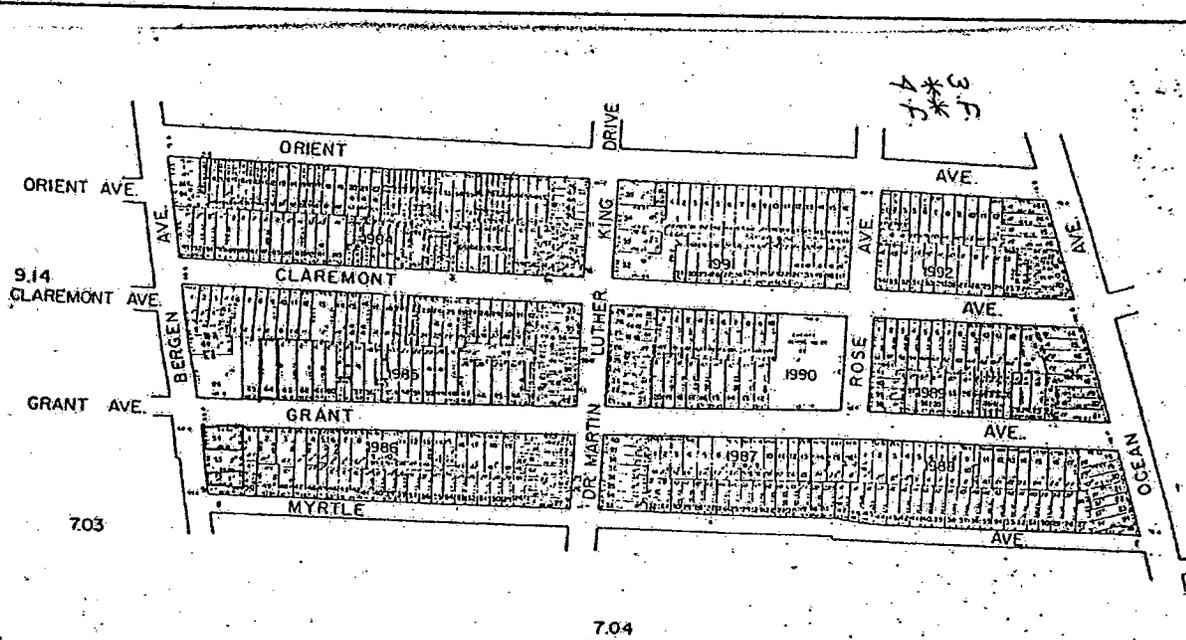
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

AMENDMENT	AY	NO	ABST.	EXCUSED	PRESENT
CONOVER	X				
FRUCHOSE	X				
WART	X				
CONOVER				X	
FRUCHOSE				X	
WART				X	
CONOVER					X
FRUCHOSE					X
WART					X

RECORD OF FINAL COUNCIL VOTE AS AMENDED

MEMBER	AY	NO	ABST.	EXCUSED	PRESENT
CONOVER	X				
FRUCHOSE	X				
WART	X				
CONOVER				X	
FRUCHOSE				X	
WART				X	
CONOVER					X
FRUCHOSE					X
WART					X

Adopted on first reading of the Council of Jersey City, N.J., on Nov. 21, 1986
 Adopted on second and final reading after hearing on Dec. 11, 1986
 This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting of Dec. 11, 1986 at 11:00 o'clock of the day of December 1986
Alan J. Lyons
 City Clerk
 APPROVED: *[Signature]*
 Date: 12/11/86
 APPROVED: *[Signature]*
 Date: 12/11/86
 APPROVED: *[Signature]*
 Date: 12/11/86



CIVIL FILE NO. D-1574
 Agenda No. 10-2-88
TITLE
 RESOLUTION AUTHORIZING THE WAIVER OF THE TWENTY DAY (20) WAITING PERIOD PRIOR TO THE EFFECTIVE DATE OF UNION PARK DEVELOPMENT ASSOCIATION, INC. ORDINANCE C-346 PURSUANT TO N.J.S.A. 40:69A-181 (a)

COUNCIL 75 A WHOLE OFFERED AND MOVED
 ADOPTION OF THE FOLLOWING RESOLUTION

WHEREAS, at its meeting of December 11, 1988 the Municipal Council adopted Ordinance C-346 authorizing property transfer to Union Park Development Association, Inc.; and
 WHEREAS, N.J.S.A. 40:69A-181(a) provides for the twenty (20) day period prior to the effective date of an Ordinance after adoption unless the Municipal Council by resolution declares an emergency; and
 WHEREAS, because there are substantial contributions of private funds being made to the project on the condition that the property be transferred by the year end, 1988, **IT IS RESOLVED** by the Municipal Council of the City of Jersey City that:

1. an emergency is hereby declared for the transfer set forth herein; and
2. pursuant to N.J.S.A. 40:69A-181(a) the twenty (20) day waiting period prior to the effective date of Ordinance C-346 is hereby waived so that this ordinance is effective immediately.

Checked to be a true copy of RESOLUTION adopted by the Municipal Council of the City of Jersey City at its meeting of
DEC 11 1988
Thomas J. Stiller
 City Clerk

APPROVED: _____ APPROVED AS TO LEGAL FORM
Thomas J. Stiller 12/14/88
 City Clerk

601103

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

ROLL CALL	BE	AY	NO	ABSENT	EXCUSED	OTHER
WHEEL	✓					
FRASCHIO	✓					
WART	✓					
WHEEL						
FRASCHIO						
WART						
WHEEL						
FRASCHIO						
WART						

Approved: 12-15-88
 City Clerk

10070 1133



CITY OF JERSEY CITY
 By Arthur R. Cucchi
 Mayor

In Witness Whereof, the party of the first part has caused these presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereunto affixed, this day and year first above written.

Attest:

This deed is given under seal by virtue of Ordinance C-2143 Jersey City, on December 11, 1986 authorizing the sale by the City of Jersey City, of public land and buildings now needed for public use, hereinafter listed, at public sale, in accordance with the provisions of Section 40-1121 et seq. and the supplemental Article and amendments thereto, (City of New Jersey Statutes.

Amended together with all and singular the houses, buildings, tenements, ways, waters, profits, privileges, and appurtenances with the appurtenances to the same belonging or in anywise appertaining.

Also, all the estate, right, title, interest, property, claim and demand whatsoever, of the said party of the first part, of, in and to the land, and of, in and to every part and parcel thereof.

To have and to hold, all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, his heirs, successors, and assigns, to the only proper use, benefit and behoof of the said party of the second part, his heirs, successors, and assigns forever.

State of New Jersey
 County of Hudson

Be it Remembered, That on this 11th day of December, Nineteen Hundred and Eighty-Six, THOMAS F. A. SMITH Mayor of the City of Jersey City, and made proof to my satisfaction that he is the a Municipal Corporation of the State of New Jersey, the Grantor named in the foregoing instrument, that he well knows the corporate seal of said corporation, that the seal affixed to said instrument is the corporate seal of said corporation; that the said seal was so affixed and the said instrument signed and delivered by

ARTHUR R. CUCCHI

Mayor of said municipal corporation, in the presence of this deponent, and said Mayor, at the same time acknowledged that he signed, sealed and delivered the same as his voluntary act and deed, and as the voluntary act and deed of said corporation, and that deponent, at the same time, subscribed his name to said instrument as an attesting witness to the executive thereof. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1966, c. 29, Sec. 1-10, is \$ 1,000

Sworn and subscribed before me at Jersey City, N.J. this 11th day of December, 1986.

THOMAS F. A. SMITH
 Mayor

Hester J. Rozema
 Notary Public of New Jersey
 by Commission Expires Nov. 1, 1989.

35-
 Beed,

City of Jersey City,
 New Jersey

to
 FAIRMONT HOUSING CORP.

Dated, December 11 19 86

Recorded in Book of DEEDS for said County, on page Record and Return to:

In Your Ex. in Bergen Ac. Third Flr. Jersey City NJ 07460

RECEIVED
 1987 DEC 31 PM 3-25

NOV 30 1986 11:47

Consult your Lawyer before signing this deed — it has important legal consequences.

009077

CORRECTORY

Deed

Data This Deed is made on August 26, 19 87 between

Parties

Grantor Full name(s) and post office address: City of Jersey City, a municipal corporation of the State of New Jersey. City Hall 280 Grove Street Jersey City, New Jersey 07302

Grantor Full name(s) and post office address: Fairmont Housing Corp., a non-profit corporation of the State of New Jersey 270 Fairmont Avenue Jersey City, New Jersey 07304

Grantor, and
Grantee.

(The words "Grantor" and "Grantee" include all Grantors and all Grantees under this Deed.)

Consideration In return for the payment to them of One Dollar and other good and valuable consid- Dollars (\$ 1.00) & N.J.S.A. 52:27D-301 et seq.

Conveyance the Grantor grants and releases to the Grantee all of the claims of the Grantor upon the land located in the City of Jersey City County of Hudson and State of New Jersey, specifically described as follows:

Description of Land Commonly known by the following street addresses:

136-138 Grant Avenue; City Block 1985 - City Lot L-14.
 149 Grant Avenue (a/k/a 248 Bergen Avenue); City Block 1986 - Lot 1-A.
 240 Bergen Avenue; City Block 1986 - City Lot 5-A.

- CONDITIONS:** Subject to (See A attached.).
- RESTRICTIVE COVENANTS**
1. The corporate purposes of the Grantee are:
The use of the property is limited to such purposes.
 2. The grantee is prohibited from using the property for any commercial, business, trade or manufacturing purpose except as provided for hereinafter.
 3. The units shall be affordable to persons of low and moderate income within the meaning of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the regulations promulgated thereunder, N.J.A.C. 5:92 et seq., and shall remain affordable to such persons for a period of fifteen (15) years. All initial and subsequent rentals shall be to persons of low and/or moderate income and shall also be affordable to such persons.
 4. Any profit realized by the Fairmont Housing Corp. from the resale of these properties shall be applied to the costs of acquiring and developing other city-owned property for residential use for low and moderate income persons. Prior to resale, the Fairmont Housing Corp. shall forward a certified accounting to Jersey City listing all costs and expenses incurred by it in developing the property and the resale price. In the event there is a profit realized on any such resale, the Fairmont Housing Corp. shall deposit such sums in an interest bearing trust account pending agreement by and between the City as to the disposition of such funds. This provision shall remain in effect for as long as Fairmont Housing Corp. owns the property.

PREPARED BY: SEE SCHEDULE B ATTACHED

Joanne Monahan
 JOANNE MONAHAN
 ATTORNEY-AT-LAW
 STATE OF NEW JERSEY

Consideration	\$		ST	
Rec'd Transfer Fee			ST	
ADULT Fee			ST	
ADULT M.C.			ST	
By (Name)	Total \$	23.00	Int. Fee	23.00

This Deed was prepared by

BK382410009

Exhibit B

SCHEDULE A

1. Subject to the provisions of all laws, codes, statutes, ordinances, city rules and regulations of any local or state or federal government, or any agency or subdivision thereof having jurisdiction, of any violation of same, existing at the time of delivery of this deed,
2. Subject to building restrictions and zoning regulations in effect at the time of closing and any facts disclosed in the City of Jersey City tax and zoning maps;
3. Subject to covenants, agreements, easements and restrictions of record and encroachments, utility easements and rights of way that may affect the property;
4. Subject to any state of facts that an accurate survey and thorough inspection of the property would reveal;
5. Subject to the rights of tenants and persons in possession, if any;
6. Subject to pending assessments, if any, all of which the Grantee hereby agrees to assume and pay;
7. Subject to the "as-is" condition of the premises existing at the time of the delivery of the deed.

SCHEDULE B

5. Upon demand, the Fairmont Housing Corp. and any subsequent purchaser, shall submit a report and any other requested records of documentation to Jersey City to insure that the above terms and conditions have not been violated.
6. Prior to resale, and that the purchase price represents the fair market value of the property, the Fairmont Housing Corp. shall notify Jersey City at least two (2) months in advance and provide the City with such information as is necessary to satisfy the City that the prospective purchaser will maintain the units as affordable to low and moderate households as set forth in Section (1), above.
7. The affordability controls and profit restrictions described above shall be set forth as restrictions in the deed.
The above restrictions cannot be amended or removed without the express written consent of the Jersey City Municipal Council. A substantial violation of any of the above restrictions shall cause title to the property to revert to the Grantor without any entry of re-entry with thereon.

PAYABLES FOR 240 BERGEN

<u>VENDOR</u>	<u>AMOUNT</u>
HUDSON COUNTY AHTP	\$ 127,026
LISC (pre-development loan to Bergen/Grant)	\$ 19,186
LEE'S PROFESSIONAL CLEANING SERVICE (minor repairs & super)	\$ 4,874
KOOK & SONS PLUMBING & HEATING	\$ 7,942
PSE&G	\$ 6,427
TAX LIEN	\$ 3,844
ESCROW (on behalf of Jersey City, pending escheatment application)	\$ 25,000
INSURANCE (paid by Fairmount)	\$ 3,782
MANAGEMENT FEES (accounting & super)	\$ 13,025
STARR, GERN, DAVISON & RUBIN (legal)	\$ 25,301
JUDGEMENTS	\$ 52,946
BROKER FEE	\$ 12,000
REALTY TRANSFER TAX	\$ 1,247
TOTAL PAYABLES	\$ 302,601
SALE PRICE	\$ 240,000
NET PROCEEDS	\$ (62,601)

Exhibit C

STARR, GERN, DAVISON & RUBIN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

105 EISENHOWER PARKWAY

SUITE 401

ROSELAND, NEW JERSEY 07068-1640

TEL (973) 403-9200

FAX (973) 226-0031

WWW.STARRGERN.COM

istarr@starrgern.com

June 3, 2010

COUNSEL TO THE FIRM
LARRY M. COLE

OF COUNSEL

HARVEY R. POE**

DONALD S. GOLDMAN^

DOMENIC D. TOTO*

* MEMBER NY & NJ BAR

^ MEMBER NJ & DC BAR

> MEMBER CT BAR

□ MEMBER NJ & PA BAR

∇ MEMBER AZ BAR

† CERTIFIED BY THE
SUPREME COURT OF
NEW JERSEY AS A
CIVIL TRIAL ATTORNEY

^ N.J.C.R. 1:40

QUALIFIED MEDIATOR

° LL.M IN TAXATION

File No. 74127-100

EDWIN S. RUBIN
RONALD L. DAVISON
AMOS GERN**†
IRA M. STARR*
JONATHAN J. LERNER**^
NICHOLAS STEVENS**^
JEFFREY A. RIZIKA
STEPHEN R. URBINATO°
JOHN J. RATKOWITZ
KELLIANNE E. GREENWOOD**>
JAMES A. MESZAROS
JEFFREY E. GRABELLE
RICHARD T. WELCH*
JOHN T. BROST*
BARBARA DRASHEFF*
ROBERT C. SANFILIPPO
AMY M. VAN FOSSEN**
JEFFREY R. PITTARD**>

State of New Jersey
Unclaimed Property
P.O. Box 214
Trenton, New Jersey 08695-0214

Re: Fairmount Housing Corp./Bergen Grant Assoc.
Trust Company Bank, 35 Journal Square, Jersey City, NJ 07306
Money Market Checking Account #1110119810
Fairmount Housing Tax ID #22-2766099

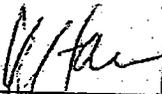
Dear Sir/Madam:

Please be advised that I am the attorney for Fairmount Housing Corp. with regard to unclaimed monies with the Trust Company Bank, as referenced above. Enclosed please find completed Unclaimed Property Claim Inquiry Form. If you require additional information, please feel free to contact me.

Thank you for your courtesies and prompt attention to this

Very truly yours,

STARR GERN DA

By: 
Ira M. Starr

IMS/sam
Enclosure

Exhibit D

7007 0220 0002 6579 3321

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent to

Street, Apt. No., or P.O. Box No.
City, State, ZIP+4

Postmark Here

PS Form 3800, August 2006 See Reverse for Instructions

Unclaimed Property Claim Inquiry Form

Please complete the form below,
print, sign, and mail it to:

State of New Jersey
Unclaimed Property
P.O. Box 214
Trenton, NJ 08695-0214

Note: If you do not have a printer simply write all of the information listed below in a letter and mail it to the above address.

Claimants who find their names, whether by searching the Unclaimed property website, in a legal advertisement, or missing money website, should fill out and submit only one claim form.

1. Name and address as it appears on the Unclaimed Property Search results page:

FAIRMOUNT HOUSING CORP
136 GRANT AVE A4D
JERSEY CITY, NJ 07305

Property ID: 10124833

2. If the above address is not a current mailing address, please print current address here:

Claimant Name

Fairmount Housing Corp., c/o Ira M. Starr, Esq.

Address

Starr Gern Davison & Rubin, 105 Eisenhower Parkway

City	State	Zip Code
Roseland	New Jersey	07068

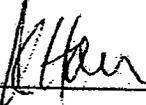
3. The Property Owner is:

Current Maiden Company Deceased

SS# or FID#: 22-2766099

Daytime telephone number: 973 - 403-9200

Email Address: istarr@starrgern.com

Signature:  Date: 6/3/10

Return

Jersey City Law Department

Memorandum

To: William C. Matsikoudis, Corporation Counsel

From: Itza Wilson, Assistant Corporation Counsel *IW*

Subject: 240 Bergen Avenue a/k/a Lot 5.A in Block 1986- Ordinance to remove affordability restrictions in Deeds

Date: June 16, 2010

In December 1986, the City conveyed 240 Bergen Avenue to Fairmont Housing Corporation (Fairmount), a non profit corporation to construct affordable housing. In 1986, the City delivered a Deed and subsequent Correctory Deed to Fairmount which contained affordability restrictions to remain on the property for a period of 15 years. In the spring of 1987, Fairmount needed title insurance in order to get construction financing. In order for the project to proceed, the City's Council passed Reso C-2266 on July 14, 1987 funding an escrow account to cover the judgment liens. The City provided Fairmount's attorney with \$10,000 to set up the interest bearing escrow account. The judgment liens have expired but the escrow monies were not returned to the City.

Fairmount now desires to sell the property for \$240,000 to a private party. In order to sell the property, Fairmount requires that the City release the 15 year affordability restrictions on the property from the Deeds. The City has advised Fairmount that the release of the controls are subject to Fairmount returning the escrow monies to the City. Fairmount's attorney has filed an Unclaimed Property Claim with the State of New Jersey for the escrow monies. The City has proposed that Fairmount set aside from the proceeds of the sale, the sum of \$25,000 until the escrow monies are returned from the State. Fairmount has agreed that if they are unable to obtain the escrow monies directly from the State, they will release from the funds the \$10,000 with interest to date to the City.

The 15 year affordability period has expired so it is in the best interest of the City to release the restrictions in the Deeds.

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

ORDINANCE NO. Ord. 10-084

TITLE: 3.C. JUN 23 2010 4.C. JUL 14 2010



Ordinance removing the affordability restrictions from: 1) A deed dated December 31, 1986 and 2) A correctory deed dated August 26, 1987 concerning Block 1986, Lot 5-A also known as 240 Bergen Avenue owned by Fairmount Housing Corporation.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JUN 23 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUL 14 2010 9-0											
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>RICHARDSON</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted _____			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA.			

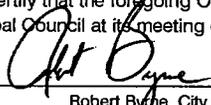
✓ Indicates Vote N.V.-Not Voting (Abstain)

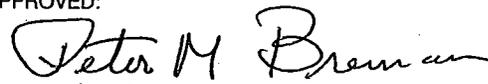
RECORD OF FINAL COUNCIL VOTE											
JUL 14 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2010
 Adopted on second and final reading after hearing on JUL 14 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 14 2010


 Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan, Council President

*Amendment(s):

Date: JUL 14 2010
 APPROVED:

 Jerramiah T. Healy, Mayor

Date JUL 20 2010

Date to Mayor JUL 14 2010



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-085

TITLE:

**AN ORDINANCE OF THE CITY OF JERSEY CITY,
IN THE COUNTY OF HUDSON, NEW JERSEY,
PROVIDING FOR THE ACQUISITION BY THE
CITY OF REAL PROPERTY IN THE CITY AND
APPROPRIATING \$7,700,000, THEREFOR, AND
PROVIDING FOR THE ISSUANCE OF \$7,647,000 IN
GENERAL IMPROVEMENT BONDS OR NOTES OF
THE CITY OF JERSEY CITY TO FINANCE THE
SAME.**

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Jersey City, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$7,700,000 (including grants in the total amount of \$6,600,000, consisting of (i) a grant in the amount of \$1,600,000 expected to be received from the State of New Jersey, Department of Environmental Protection pursuant to the Green Acres Program, (ii) a grant in the amount of \$3,500,000 expected to be received from the Port Authority of New York/New Jersey, (iii) a grant in the amount of \$1,000,000 expected to be received from the Hudson County Open Space Fund, and (iv) a grant in the amount of \$500,000 expected to be received from the New York/New Jersey Baykeeper) and including the sum of \$53,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$7,647,000 pursuant to the Local Bond

Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for which the bonds are to be issued is the acquisition by the City of real property and the improvements thereon known as the Harsimus Embankment Park and Greenway Project, including, but not limited to, approximately eight parcels of land, including two grade-level parcels and six stone embankments, identified on the tax maps of the City as Block 212, Lot M, Marin Boulevard to Manila Avenue, Block 247, Lot 50A, Manila Avenue to Erie Street, Block 280, Lot 50A, Erie Street to Jersey Avenue, Block 317.5, Lot 50A, Jersey Avenue to Coles Street, Block 354.1, Lot 50A, Coles Street to Monmouth Street, Block 389.1, Lot 50, Monmouth Street to Brunswick Street, Block 415, Lot 50 (also known as Lot 50.PL), Brunswick Street to Newark Avenue and Division Street and Block 446, Lot 18A, Newark Avenue to just west of the New Jersey Turnpike, and including all rights and interests therein and all work, materials and services necessary therefore or incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the

description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$7,647,000, that the net debt of the City determined as provided in the Local Bond Law is increased by \$7,647,000, and the obligations authorized herein will be within all debt limitation prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The City reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced,

the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof, (including grants in the total amount of \$6,600,000, consisting of (i) a grant in the amount of \$1,600,000 expected to be received from the State of New Jersey, Department of Environmental Protection pursuant to the Green Acres Program, (ii) a grant in the amount of \$3,500,000 expected to be received from the Port Authority of New York/New Jersey, (iii) a grant in the amount of \$1,000,000 expected to be received from the Hudson County Open Space Fund, and (iv) a grant in the amount of \$500,000 expected to be received from the New York/New Jersey Baykeeper), shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

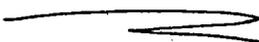
Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Municipal Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

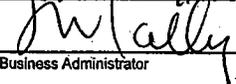
Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 
APPROVED: 

Business Administrator

Certification Required
Not Required

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

ORDINANCE NO. Ord. 10-085

TITLE: 3.D. JUN 23 2010 4.D. JUL 14 2010



An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, providing for the acquisition by the city of real property in the city and appropriating \$7,700,000, therefor, and providing for the issuance of \$7,647,000 in general improvement bonds or notes of the City of Jersey City to finance the same. (Sixth Street Embankment)

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				JUN 23 2010				6-1-2			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN		✓		BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	ABSTAIN		
LOPEZ	✓			RICHARDSON	ABSTAIN			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				JUL 14 2010				9-0			
Councilperson <u>BRENNAN</u>			moved, seconded by Councilperson <u>FULOP</u>						to close P.H.		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

STEPHEN GUCCIARDO GREG REMAUD FELICIA PALMER
LEDA DUIF KARIN VANOWIN SAM PESIN
CATHERINE LOMONICO ELNA MUKAIDA MAURA AIMETTE

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

KIRSTEN GREENE RICHARD WILLIAMS BOB MURGITROYD
CLAIRE PERRAULT CHRISTINE BAMBERGER ANN BARRY JOHN CROWLEY-DELMAN
IRINA BEREZNAVA JOHN HALLANAN DAVID GREENWOOD JENNIFER MEYER
MARGARET WEBER MATT HORESTA

RECORD OF FINAL COUNCIL VOTE											
				JUL 14 2010				6-1-2			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN		✓		BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	ABSTAIN		
LOPEZ	✓			RICHARDSON	ABSTAIN			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

REBECCA FERANC
ANDREW HUBSCH
BOB PERRAULT
BOB COTTER

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2010

Adopted on second and final reading after hearing on JUL 14 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 14 2010

Robert Byrne, City Clerk

APPROVED:

Peter M. Brennan, Council President

*Amendment(s):

Date: JUL 14 2010

APPROVED:

Jeremiah T. Healy, Mayor

Date: JUL 20 2010

Date to Mayor JUL 14 2010



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-086

TITLE:

**Ordinance Dedicating That Coles Street Between 10th Street and 13th Street
Also Be Known as**

Moishe's Way

WHEREAS, Moishe's Moving and Storage was founded 25 years ago with one truck and has since grown into the largest and most trusted moving and storage company in the New York Tri-State Area with locations in Chicago, Los Angeles, San Francisco, Miami, Atlanta, Philadelphia, and Washington, D.C. Their Corporate Headquarters is located at 227 Coles Street in Jersey City; and

WHEREAS, Moishe's Moving and Storage offers a combination of old-fashioned, quality customer service backed by cutting-edge technology and equipment. Their world-class moving and storage solutions include mobile storage, self storage, full-service moving locally and internationally, document storage, inventory management, wine storage and white-glove fine arts handling; and

WHEREAS, Moishe's Moving and Storage has created a long list of substantial contributions to the quality of life in the cities of which they operate as well as around the world. Their employees are encouraged to donate their time to worthy causes; and

WHEREAS, Moishe's Moving and Storage's charitable efforts are diverse and include The New York City Marathon, EIF Revlon Run/Walk for Women against cancer, the Tribeca Film Festival and Angelwish, for children affected by HIV/AIDS throughout the world. Moishe's trucks helped deliver supplies to victims of Hurricane Katrina. The company also raised funds for Haiti earthquake victims and donated moves to holocaust survivors; and

WHEREAS, Moishe's Moving and Storage is a socially responsible company and has the distinction of being the first "Green" moving company on the east coast. They plan to institute changes that will have a big impact on reducing waste and conserving energy.

NOW, THEREFORE BE IT ORDAINED, that the Municipal Council of the City of Jersey City deems it fitting and proper to honor **Moishe's Moving and Storage** by dedicating that Coles Street between 10th Street and 13th Street also be known as **Moishe's 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:\WPDOC\SITOLONDA\RESOS\RENAME\Moishe's Moving and Storage.wpd

APPROVED AS TO LEGAL FORM

Royal Reddy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: *[Signature]*
Business Administrator

Certification Required

Not Required

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

ORDINANCE NO. Ord. 10-086
 TITLE: 3.E, JUN 23 2010 4.E, JUL 14 2010



Ordinance dedicating that Coles Street between 10th Street and 13th Street also be known as Moishe's Way.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				JUN 23 2010				7-1-1			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN		✓		BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	ABSTAIN		
LOPEZ	✓			RICHARDSON	✓			VEGA,	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				JUL 14 2010				6-0			
Councilperson			moved, seconded by Councilperson						to close PH.		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
FULOP				DONNELLY							
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	ABSENT			RICHARDSON	✓			VEGA,	ABSENT		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson			moved to amend* Ordinance, seconded by Councilperson						& adopted		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
				JUL 14 2010				8-1			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN		✓		BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2010

Adopted on second and final reading after hearing on JUL 14 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 14 2010

Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan, Council President

*Amendment(s):

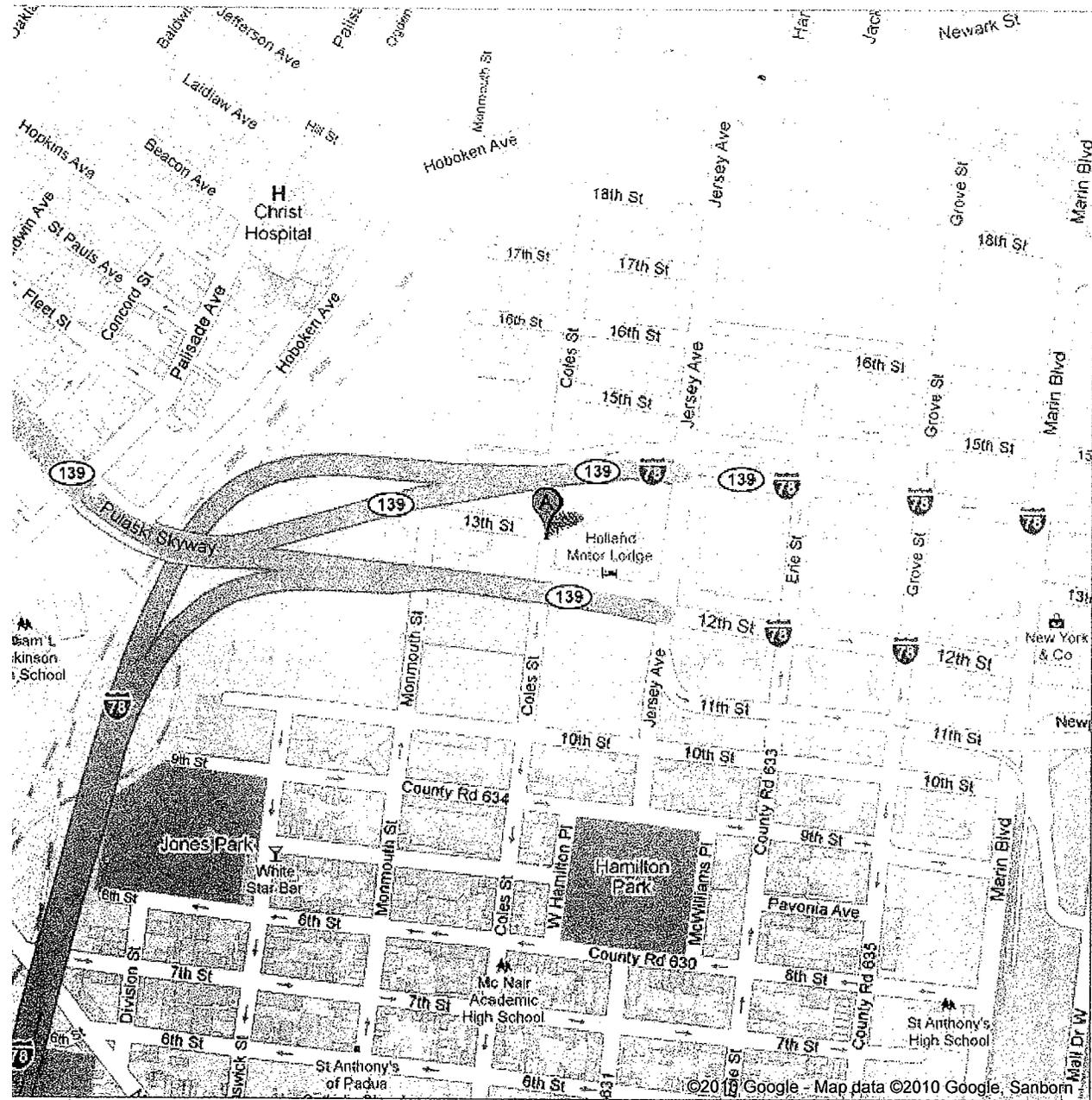
Date: JUL 14 2010

APPROVED:

 Jeremiah F. Healy, Mayor

Date: JUL 20 2010

Date to Mayor JUL 14 2010





ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-088

TITLE:

Ordinance Dedicating That Dales Avenue Between Logan Avenue and Broadway Also Be Known as **PASTOR ERWIN LANIER, SR. DRIVE**

WHEREAS, Pastor Erwin Lanier, Sr. accepted the Lord at the age of 17 under the ministry of the Rev. Kilmore Porter of the Church of God in Christ. He responded to God's call to the ministry at the age of 20 and completed theological studies at Zion Bible Institute in Providence Rhode Island and Rutgers University in Newark, New Jersey; and

WHEREAS, Pastor Erwin Lanier, Sr. is the founder and pastor of Good News Bible Mission Church and Dean of Good News Bible Mission Institute. The church was established in 1969 with a few members and was located in the Marion Gardens Community Center. Pastor Lanier's goal was to reach lost souls in the community and surrounding areas; and

WHEREAS, Pastor Erwin Lanier has provided a ministry of love, faith, and hope to the City of Jersey City and its surrounding areas for more than 40 years. The church is located at 36-38 Dales Avenue in Jersey City. Under his leadership, Good News Bible Mission Church has become a staple in its community. Pastor Lanier and church volunteers serve the congregation and community through specialized ministries which include a Hospital Ministry, a Senior Ministry, a Prison Ministry, a telephone ministry and an apartment ministry; and

WHEREAS, Pastor Erwin Lanier is an honored role model and inspiration to all. Ministers from all over the tri-state area and beyond look to Pastor Erwin Lanier for instruction, guidance, direction, support and friendship; and

WHEREAS, Pastor Lanier was partnered in marriage and in ministry to the late beloved Sis. Shirley Lanier. He is the proud father of Erwin Jr., Errold, and Michael Lanier. He was with his seven grandchildren, Errold Jr., Kiera, Emmanuel, Brianna, Tyler, Maleka and Marquera.

NOW, THEREFORE BE IT ORDAINED, that the Municipal Council of the City of Jersey City deems it fitting and proper to commemorate the name of Pastor Erwin Lanier, Sr. as part of the civic heritage of the City of Jersey City by dedicating that Dales Avenue between Logan Avenue and Broadway to also be known as Pastor Erwin Lanier, Sr. Drive

- 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.

3:10PM 10/10/08 10:08 AM 10-088 Pastor Erwin Lanier Way.wpd

APPROVED AS TO LEGAL FORM

Paul Reel
A.S. Corporation Counsel

APPROVED: _____

APPROVED: *Julien*
Business Administrator

Certification Required

Not Required

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

ORDINANCE NO. Ord. 10-088
 TITLE: 3.G. JUN 23 2010 4.G. JUL 14 2010



Ordinance dedicating that Dales Avenue between Logan Avenue and Broadway also be known as Pastor Erwin Lanier, Sr. Drive.

RECORD OF COUNCIL VOTE ON INTRODUCTION JUN 23 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUL 14 2010 7-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>GAUGHAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	ABSENT			FLOOD	✓		
LOPEZ	ABSENT			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE JUL 14 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 23 2010

Adopted on second and final reading after hearing on JUL 14 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council of its meeting on JUL 14 2010

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:

Peter M Brennan
 Peter M. Brennan, Council President

*Amendment(s):

Date: JUL 14 2010
 APPROVED:

Jerramiah F Healy
 Jerramiah F. Healy, Mayor

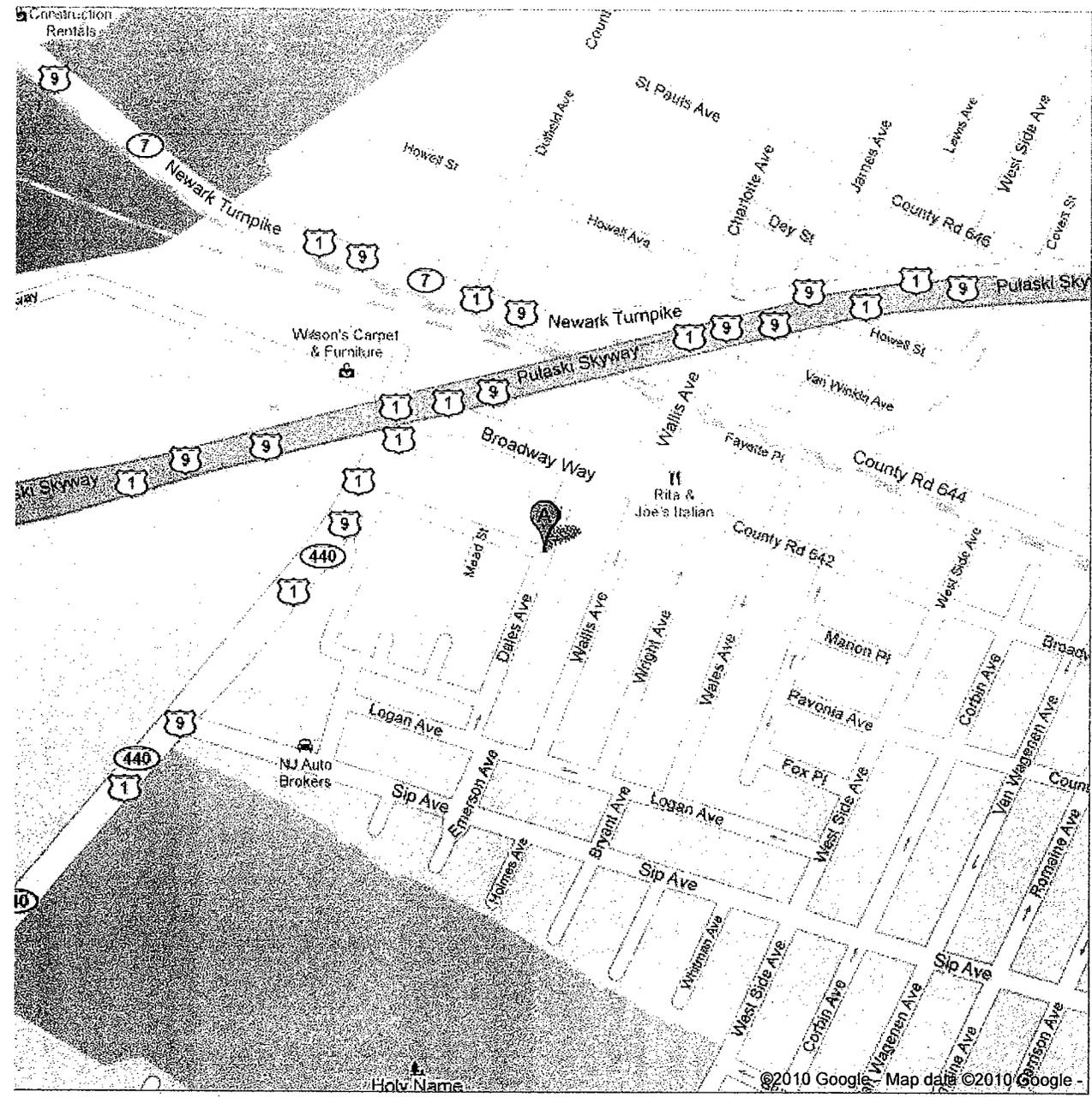
Date: JUL 20 2010

Date to Mayor JUL 14 2010



Address Dales Ave
Jersey City, NJ 07306

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