

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #15/14

**ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT TO
EVAN PROPERTIES TWO, LLC OVER TOWN PROPERTY KNOWN AS
BLOCK 120, LOT 44**

WHEREAS, Evan Properties Two, LLC (“Developer”) has requested that the Town of West New York (the “Town”) grant easements in connection with the Developer’s renovation and use of the building located at 524 56th Street (the “Property”); and

WHEREAS, the right of way next to Block 120, Lot 44 is owned by the Town and the Commissioners are permitted to grant an easement over a portion of said property (the “Easement”); and

WHEREAS, the Developer appeared before the Zoning Board of Adjustment of the Town of West New York at a public hearing conducted on October 7, 2013 and October 24, 2013, at which time the Developer secured approvals to construct a new eight unit residential apartment building; and

WHEREAS, as part of this approval the Developer has been required to secure an easement along a public right of way that runs immediately parallel to the subject property; and

WHEREAS, the Developer was directed as part of this approval to secure an easement from the Town of West New York, which is depicted as attached to this Ordinance as Exhibit A and incorporated herein by reference, and the aforesaid resolution being attached hereto as Exhibit B; and

WHEREAS, pursuant to N.J.S.A. 40:48-1.1, the Town and the Commissioners are permitted to manage, regulate and control the real property of the municipality; and

WHEREAS, the granting of the Easement will further a public purpose in that the property is being redeveloped.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of West New York, County of Hudson and State of New Jersey as follows:

SECTION ONE. The Board of Commissioners hereby authorizes and approves the granting of an easement over Block 120, Lot 44 as described above and in the area detailed on Exhibit A.

The Mayor and Town Clerk are hereby authorized to sign a Deed of Easement on behalf of the Town in a form acceptable to Corporation Counsel.

SECTION TWO. Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE. Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR. This Ordinance shall take effect upon final passage and publication as provided by law.

SECTION FIVE. The Town Clerk and Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section numbers of the Revised General Ordinances of the City of West New York, in the event that the codification of this Ordinance reveals that there is a need for said revision to the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Introduced: 10/15/14

Adopted: 11/24/14

Summary of Ordinance

This Ordinance authorizes and approves the granting of an easement over a portion of the right of way that is not in use, adjacent to Block 120, Lot 44, owned by the Town of West New York, to Evan Properties Two, LLC for the construction of a new residential dwelling on the property at 524 56th Street.