

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

ORDINANCE #19/15

**ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT TO
6401 PARK AVENUE INVESTMENTS, LLC OVER CITY PROPERTY KNOWN AS
BLOCK 17, LOT 22 (6401 PARK AVENUE)**

WHEREAS, 6401 Park Avenue Investments, LLC (“Developer”) has requested that the Town of West New York (the “Town”) grant an easement in connection with the Developer’s construction of a building located at 6401 Park Avenue, which is also known as Block 17, Lot 22 (the “Property”); and

WHEREAS, the right of way next to Block 17, Lot 22 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 May 6, 2015, at which time the Developer secured approvals to construct a new mixed use structure consisting of 15 residential units, offices for 11 employees and 14 off-street parking spaces.

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 and perpendicular to the Block 17, Lot 22 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 authorize and approve the granting of an easements over Block 17, Lot 22 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 All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or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 be in 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 affect 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 passage and publication as provided by law.

Town Clerk

Date:

Summary of Ordinance

This Ordinance authorizes and approves the granting of an easement over a portion of the right of way, parallel and perpendicular to Block 17, Lot 22, owned by the Town of West New York, to 6401 Park Avenue Investments, LLC for the construction of a mixed-use building on the property at 6401 Park Avenue in the Town of West New York.

4838-9221-1230, v. 1

Introduced: 10/21/15

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **October 21, 2015** and ordered published, and will be further considered before final passage at a public hearing on **November 23, 2015** at **1:00 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk