

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

File No. Ord. 23-005
Agenda No. 3.1 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE COURTHOUSE ADMINISTRATION BUILDING PROPERTY LOCATED AT 595 NEWARK AVENUE, JERSEY CITY, NEW JERSEY FROM HUDSON COUNTY FOR USE AS A PUBLIC PARK.

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

Whereas, N.J.S.A. 40A:12-13.3 authorizes county governing bodies to conduct private sales or conveyances of land that is no longer needed for county purposes, with or without improvements, to a municipalities within that county for consideration, which may be nominal, without compliance with any other law governing disposal of county lands, provided that such lands must be used for a public purpose; and

Whereas, the County of Hudson ("County") owns certain property, located at Block 8002, Lot 1, more commonly known as 595 Newark Avenue, Jersey City, New Jersey ("Property"), upon which is a building presently being operated as the Administration Building ("Administration Building") for the New Jersey Superior Court, Hudson Vicinage ("Superior Court") and beneath which an underground parking garage is presently situated; and

Whereas, the County is in the process of constructing a new courthouse at a different location, which new courthouse will house the Superior Court's operations, rendering the Administration Building obsolete and no longer necessary for county purposes; and

Whereas, the City of Jersey City ("City") desires to expand both open space available for public use, by way of a public park, and create additional public parking in the area in which the Administration Building is located; and

Whereas, the City has earlier authorized a non-binding Memorandum of Understanding, pursuant to Resolution 19-879 on November 14, 2019, to enter into a negotiation with the County contemplating the City's use of the County Property for the purposes detailed above; and

Whereas, having engaged in further negotiations, the City now desires to acquire the Property from the County, on the condition that it be used for a public purpose, with the intention that the land be used as a public park and that its subterranean parking garage also being used for public parking; and

Whereas, to achieve these goals, the City is willing to cover the costs of demolition of the present Administration Building and the costs of constructing the public park on the Property; and

Whereas, the use of the Property for a public park and for expanded public parking are both public purposes as contemplated under applicable New Jersey law; and

Whereas, the County wishes to convey to the Property to the City, for nominal consideration for these purposes, subject to the limitation that the Property must continue to be used for public purposes in accordance with N.J.S.A. 40A:12-13.3, and subject to certain additional terms and conditions agreed upon between the County and the City; and

Whereas, the City and the County now wish to memorialize the terms of their arrangement into a more detailed and legally binding agreement, to permit such conveyance to move forward;

APPROVED AS TO LEGAL FORM

A handwritten signature in black ink, appearing to be "J. M. ...", is written over a horizontal line.

Business Administrator

A handwritten signature in black ink, appearing to be "P. D. ...", is written over a horizontal line.

Corporation Counsel

An Ordinance authorizing the acquisition of the Courthouse Administration Building property located at 595 Newark Avenue, Jersey City, New Jersey from Hudson County for use as a Public Park.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

1. The Mayor and Business Administrator are both hereby authorized to enter into an agreement with the County to purchase, for nominal consideration, the Property, subject to the condition that the same must be used for public purposes set forth by the county, provided that the City shall be permitted to use the surface as a public park and the subterranean area for public parking; and

2. Subject to such modifications as the Corporation Counsel may deem necessary or appropriate, the Mayor or Business Administrator are hereby authorized to execute a Purchase and Sale Agreement and such other instruments as may be necessary to consummate the transaction and convey the Property on the terms contemplated herein.

3. The Business Administrator and/or Corporation Counsel are hereby authorized to procure any title searches or title insurance that may be necessary or desirable to conduct or secure in connection with this transaction, subject to applicable law.

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.

An Ordinance authorizing the acquisition of the Courthouse Administration Building property located at 595 Newark Avenue, Jersey City, New Jersey from Hudson County for use as a Public Park.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Jan 25 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Feb 8 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	ABSENT	

SPEAKERS:

Laura Moss, Jeanne Daly, Mia Scanga, Paul DiBrango, Olga Villacon-Soler

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Feb 8 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	ABSENT	

Adopted on first reading of the Council of Jersey City, N.J. on **Jan 25 2023**

Adopted on second and final reading after hearing on **Feb 8 2023**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Feb 8 2023



City Clerk



Joyce E. Watterman, President of Council
Approved: Feb 8 2023



Steven M. Fulop, Mayor
Date to Mayor: Feb 9 2023
Approved: Feb 9 2023

Ord. 23-005

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

John Metro,	201-547-5147	JMetro@jcnj.org
Department	Department of Administration	
Division	Office of the Business Administrator	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of the Municipal Council - Jan 25 2023
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Purpose

To Authorize the Acquisition of Property from the County for construction of a public park and use for public parking

Cost (Identify all sources and amounts)

Nominal Consideration

Contract term (include all)

N/A

Type of award:

Zero Dollar Agreement

ATTACHMENTS:

[Deed - Courthouse Park](#)

Approved by
Jeremy Jacobsen, Attorney
John Metro, Business Administrator

Status:
Approved - Jan 05 2023
Approved - Jan 18 2023

Prepared by:

Deed

This Deed is made on the ____ day of _____, 2023

BETWEEN the COUNTY OF HUDSON, a body corporation and politic in the State of New Jersey, whose post office address is at 257 Cornelison Avenue, Jersey City, New Jersey 07302

referred to as the Grantor,

AND the CITY OF JERSEY CITY, a Municipal Corporation of the State of New Jersey, whose post office address is 280 Grove Street, Jersey City, New Jersey 07302

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of one dollar (\$1.00). The Grantor acknowledges receipt of this money.

2. Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of Jersey City, Block No. 8002, Lot No. 1.

3. Property. The Property consists of the land and all the buildings and structures on the land or beneath the land in the City of Jersey City, County of Hudson and State of New Jersey.

Please see attached Legal Description annexed hereto as Exhibit "A" and made a part hereof.

The street address of the Property is: 595 Newark Avenue, Jersey City, New Jersey

Being the same premises conveyed to the Grantor by the following deeds:

As to Block No. Lot No. Block 8002, Lot 1 (595 Newark Avenue, Jersey City, New Jersey), Title is vested in the County of Hudson by:

Deed from _____, dated _____ recorded in Deed Book _____ Page _____ in Hudson County.

4. Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which

affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. Exceptions, Reservations and Restrictions. The conveyance by Grantors of the Property to the City of Jersey City is made subject to the following exceptions, reservations, conditions and restrictions:

(a) The Property shall be at all times used for a public purpose, as that term is defined with respect to conveyances of land pursuant to N.J.S.A. 40A:12-13.3.

(b) The City of Jersey City shall demolish, at its own expense, of any buildings or structures upon the surface of the Property for the purpose of preparing the Property for its anticipated use as a public park.

(c) The City of Jersey City shall be responsible for the construction, at its own expense, of the public park contemplated thereon and shall cover any expenses necessary for the conversion of existing underground parking structures into public parking, if applicable.

6. Additional Covenants and Conditions. In addition to the foregoing, the respective parties agree and covenant as follow:

(a) The Grantor covenants that, upon completion of construction of a public park on the Property, the Grantor shall assume responsibility for general maintenance and upkeep of the public park on the Property, in perpetuity. Such maintenance and upkeep shall same standards of quality and care that the County applies to the maintenance and upkeep of County parks, at Grantor's sole expense.

(b) The Grantor shall execute and maintain in force any reasonable and customary agreement(s) proposed by the Grantee as may be necessary or desirable to memorialize the specifics of Grantor's maintenance obligation; however, the failure of either party to execute or maintain an agreement in force shall not relieve the Grantor of its responsibilities to maintain the public park hereunder.

7. Covenants Running with the Land. The provisions of this Deed shall inure to the benefit and bind the successors and assigns of Grantor and Grantee. The covenants and agreements contained herein are real covenants that touch and concern the land and each of them shall run with the land and bind subsequent holders of any party's interest in the land as a real covenant and equitable servitude as well as pursuant to the principles of contract law.

8. Binding Effect. This Deed shall be for the benefit of the Grantee, its successors and assigns and shall be binding upon the Property and the Grantors, and their respective heirs, successors and assigns.

In Witness Whereof, the Grantor has caused these presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereby affixed, the day and year first above written.

Attest:

COUNTY OF HUDSON

JUNIOR MALDONADO,

Hudson County Clerk

THOMAS A. DEGISE

Hudson County Executive

State of New Jersey)
)
County of Hudson)

Be it Remembered, that on this 14th day of January, Two Thousand and Twenty Two before me the subscriber, an attorney at law of the State of New Jersey personally appeared

JUNIOR MALDONADO

and made proof to my satisfaction that he is the County Clerk of the County of Hudson, a body corporation and politic in 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

THOMAS A. DEGISE

who was at the date thereof the County Executive of said body corporation and politic, in the presence of this deponent, and said County Executive, 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 execution 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. 1968, c 49, Sec. 1 (c), one dollar (\$1.00).

Name , Attorney at Law, NJ

Sworn and Subscribed before
me on _____ at Jersey City, N.J.

EXHIBIT A
(Legal Descriptions)