

ADOPTED ORDINANCE

CITY OF RAHWAY, NEW JERSEY

No. O-19-24

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN EASEMENT OVER A 44.15 SQUARE-FOOT PORTION AND A 40 SQUARE-FOOT PORTION OF THE LAND LOCATED AT THE NORTH END OF THE PUBLIC PLAZA IN FRONT OF THE RAHWAY TRAIN STATION DESIGNATED ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AS THE UNIMPROVED ROAD “VAIL PLACE” FOR THE BENEFIT OF PROPERTY AT BLOCK 315, LOT 2, COMMONLY KNOWN AS 1420 IRVING STREET

WHEREAS, the City of Rahway (hereinafter the “City”) is a public body corporate and politic in the County of Union, State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13, the City has the power to release public rights in land and to convey said real property for a public purpose; and

WHEREAS, the City is the owner of a certain parcel of land located at the north end of the public plaza in front of the Rahway Train Station, which is known on the Official Tax Map of the City of Rahway as the unimproved road “Vail Place,” shown in part on the Survey dated December 13, 2021, modified February 21, 2024, and the Engineering Sheet SK-1, both of which are exhibits to the Easement Agreement attached as Attachment A (hereinafter the “Property”); and

WHEREAS, 1420 Irving, LLC, a New Jersey limited liability company, (hereinafter the “Grantee”) is the owner and holder of fee title to real property adjacent to the Property, which is designated as Block 315, Lot 2 on the official tax map of the City of Rahway and commonly known as 1420 Irving Street (hereinafter the “Affected Property”); and

WHEREAS, the Affected Property was previously designated by the City as an area in need of redevelopment and is being improved and renovated by the Grantee with three to four storefronts to include dining, a small music venue, and retail storefronts (the “Project”); and

WHEREAS, the Project requires the construction of two stairwells with landings from the Affected Property for emergency access purposes, and the Grantee has requested that the City convey a perpetual, non-exclusive easement to the Grantee for said purpose; and

WHEREAS, the City and Grantee have negotiated the Easement Agreement attached hereto as Attachment A; and

WHEREAS, the City has determined that it is in the best interests of the City to convey said easement and execute an Easement Agreement in a form substantially similar to the form attached hereto as Attachment A, subject to the review of the City Attorney.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

1. The Mayor and City Clerk, for the sum of \$1.00 and good and valuable consideration, are hereby authorized to execute the Easement Agreement, and all documents necessary for its acceptance, in substantially the form appended hereto as Attachment A, subject to the review of the City Attorney, which sets forth the terms and conditions pertaining to the conveyance of an easement to 1420 Irving, LLC over a 44.15 square-foot area and a 40 square-foot area in that certain land located at the north end of the public plaza in front of the Rahway Train Station, which is known on the Official Tax Map of the City of Rahway as the unimproved road "Vail Place."
2. If any section or provision of this Ordinance shall be held to be invalid by any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance.
3. All ordinances or part of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

SO, ORDAINED as aforesaid.

MOTION: Mojica **SECOND:** Newbury
YES: Councilmembers Brooks, Brown, Gibilisco,
Miles, Mujica, Newbury, Parker, Parson
NO: None
ABSTAIN: None
ABSENT: Councilmember Timmons

INTRODUCTION: May 13, 2024
ADOPTION: June 10, 2024



Vannie D. Parson, Council President



APPROVAL Raymond A. Giacobbe, Mayor



ATTEST Heather Capone, City Clerk