

2012 ORDINANCE AMENDMENT

THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, NEW JERSEY VACATING PORTIONS OF THE PUBLIC ROADS

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township of Bloomfield (the “Township”) designated the properties identified on the Township’s tax maps as Block 228, Lots 1, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 24, 27, 28, 29, 30, 31, 33 & 35, and Block 220, Lot 40 (the “Redevelopment Area”) as an “area in need of redevelopment”; and

WHEREAS, on February 7, 2011, the Mayor and Council of the Township (“Mayor and Council”) adopted Ordinance No. 11-2 approving and adopting a redevelopment plan, entitled the “Redevelopment Plan for Block 228 and Block 220, Lot 40 Redevelopment Plan Area” (as the same may be amended and supplemented, the “Redevelopment Plan”), for the Redevelopment Area, as well as for portions of the abutting rights-of-way extending to the centerline of the streets surrounding the aforementioned properties, specifically, Lackawanna Place, Washington Street and Glenwood Avenue; and

WHEREAS, on March 7, 2011, the Mayor and Council adopted Ordinance No. 11-8 vacating various portions of the Lackawanna Place and Washington Street rights-of-way in the Township (collectively, the “Initially Vacated Rights-of-Way”), which portions are described in more detail in said ordinance; and

WHEREAS, Bloomfield Center Urban Renewal, LLC (the “Redeveloper”) and the Township have entered into that certain Redevelopment Agreement, dated March 8, 2011 (the “Redevelopment Agreement”), pursuant to which the Redeveloper will redevelop the portion of the Redevelopment Area consisting of all of the tax lots on Block 228 as well as the Initially

PREPARED AS TO FORM AND PROCEEDING
ON BASIS OF FACTS SET FORTH

Brian J. Acosta
Attorney at Law - Township Attorney

Vacated Rights-of-Way (collectively, the "Project Site"); and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper will redevelop the Project Site by constructing thereon a project (the "Redevelopment Project") consisting of: (i) (A) approximately 60,000 square feet of retail space, including approximately 10,000 square feet of restaurant space, and (B) approximately 224 residential units (together, the "BCUR Project") on a portion of the Project Site that it will own (the "BCUR Project Site"); and (ii) an approximately 439 space parking garage (the "Parking Garage") on a portion of the Project Site that the Parking Authority will own (the "Parking Garage Project Site"); and

WHEREAS, the Parking Authority of the Township of Bloomfield (the "Parking Authority") currently owns the entire Project Site; and

WHEREAS, the Redeveloper and the Parking Authority have entered into that certain Land Swap Agreement by and between the Parking Authority and the Redeveloper, dated January 5, 2011, pursuant to which the Parking Authority will subdivide the Project Site to create the BCUR Project Site and the Parking Garage Project Site, then convey the BCUR Project Site to the Redeveloper, and the Parking Authority will retain ownership of the Parking Garage Project Site; and

WHEREAS, by Deed dated January 5, 2012, the Parking Authority consolidated the Project Site into a single parcel having one metes and bounds description, which is now known as Block 228, Lot 1; and

WHEREAS, the Township previously found that the successful construction and operation of the Parking Garage depends upon the successful construction and operation of the BCUR Project; and

WHEREAS, the Township further previously found that the success of the BCUR Project depends upon the Redeveloper's ability to develop the modest amount of land that was vacated through Ordinance No. 11-8 (i.e., the Initially Vacated Rights-of-Way); and

WHEREAS, the Township now desires to take such steps as are necessary to vacate its right, title and interest in additional portions of the roadways surrounding Block 228, specifically, Lackawanna Place, Washington Street and Glenwood Avenue, which portions are depicted in **Exhibit A** attached hereto and which are more particularly identified in the metes and bounds descriptions attached hereto as **Exhibit B** (collectively, the "Subsequently Vacated Rights-of-Way") for the purpose of ensuring appropriate continuity in the subdivided portions of the Project Site and the surrounding rights-of-way; and

WHEREAS, N.J.S.A. 40:11A-23(1)(c), 40A:12A-8f and 40:67-1 *et seq.* all permit the Township to close and vacate its interest in streets where necessary for projects such as the Redevelopment Project; and

WHEREAS, upon the vacation of the Subsequently Vacated Rights-of-Way, by operation of applicable law, title to such property will immediately and without need for further action revert to the Parking Authority, as the owner of the property adjacent thereto in all cases; and

WHEREAS, it is the intent of the Township that upon the vacation of the Subsequently Vacated Rights-of-Way that the Parking Authority will own fee title to the entirety of the area depicted in **Exhibit C** attached hereto, without exception (i.e., with no gores remaining), all of which is more particularly identified in the metes and bounds description attached hereto as

Exhibit D.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bloomfield, New Jersey as follows:

Section 1. The Township hereby vacates the Subsequently Vacated Rights-of-Way as more particularly depicted in **Exhibit A** attached hereto, which are more particularly described in the metes and bounds descriptions attached hereto as **Exhibit B**; provided, however, that all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacations set forth above.

Section 2. Title to the Subsequently Vacated Rights-of-Way shall immediately and without any further action revert to the Parking Authority as the owner of the property adjacent thereto in all cases. In the event that it is deemed necessary to take any steps or execute any documents to effectuate the conveyance of title to such property, however, the Mayor, Township Administrator, Township Clerk, Township Chief Financial Officer and Director of Law are hereby authorized and directed to take such steps and execute such documents, if any, as are necessary for the Township to do so.

Section 3. The Clerk of the Township is hereby authorized and directed to: (i) publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and public hearing shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a copy of the notice referenced in subsection (i) hereof to every person whose lands may be affected by this Ordinance.

Section 4. Within sixty (60) days after adoption of this ordinance, the Township Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Essex County Register.

EXHIBIT A

Depiction (shaded and hatched areas) of Subsequently Vacated Rights-of-Way

EXHIBIT B

Metes and bounds descriptions of Subsequently Vacated Rights-of-Way

EXHIBIT C

Depiction (shaded and hatched areas) of the entire Project Site, including the Initially Vacated Parcels vacated pursuant to Ordinance No. 11-8, adopted on March 7, 2011, and the Subsequently Vacated Parcels vacated pursuant to this Ordinance

EXHIBIT D

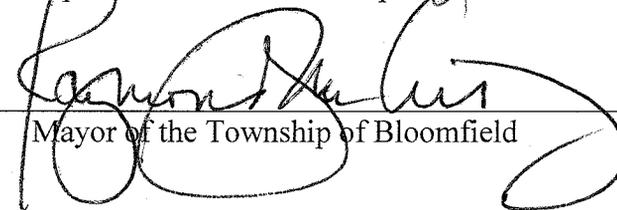
Metes and bounds description of the entire Project Site, including the Initially Vacated Parcels vacated pursuant to Ordinance No. 11-8, adopted on March 7, 2011, and the Subsequently Vacated Parcels vacated pursuant to this Ordinance

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I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on.



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 1380		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve					

✓ Vote Record - Ordinance 1380		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Approve					