

**ORDINANCE NO. 3548-21**

**ORDINANCE OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN,  
NEW JERSEY VACATING PORTION OF BOROUGH STREET AT INTERSECTION  
OF BOROUGH STREET AND VETERANS BOULEVARD**

**WHEREAS**, by resolution adopted on August 4, 1998, the Mayor and Council of the Borough (the "**Mayor and Council**") designated the area consisting of an approximately 30-acre area, primarily located within the Hackensack Meadowlands District including the properties now known as Block 219.04, Lots 1 (235 Veterans Boulevard), 2.01 (280 Highland Cross), 2.02 (295 Highland Cross), 3 (255 Veterans Boulevard) and 61 (102 Borough Street); and Block 219.02, Lots 65.05, 65.06 and 65.07 on the Borough's official tax map and commonly known as the "Highland Cross Redevelopment Area" (hereinafter, the "**Redevelopment Area**") as an area in need of redevelopment under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**LRHL**"); and

**WHEREAS**, the Hackensack Meadowlands Development Commission (the "**HMDC**") determined on August 4, 1998 that the Redevelopment Area was an area in need of redevelopment in accordance with the Hackensack Reclamation and Development Act *N.J.S.A. 13:17-1 et seq.*;

**WHEREAS**, by ordinance adopted on December 1, 1998, the Mayor and Council of the Borough adopted that certain redevelopment plan for the Redevelopment Area dated October 5, 1998, revised October 26, 1998 (the "**Redevelopment Plan**"); and

**WHEREAS**, by resolutions dated November 25, 1998, the HMDC approved the Redevelopment Plan and authorized its Executive Director to enter into a contract with the Borough to implement the Redevelopment Plan; and

**WHEREAS**, Linque - H.C. Partners, LLC (the "**Redeveloper**") made application to the Borough to be designated as the redeveloper for the Redevelopment Area; and

**WHEREAS**, the Borough and the Redeveloper entered into a Redevelopment Agreement on May 13, 1999 (the "**Original Redevelopment Agreement**"), which set forth the Parties' respective rights and obligations in connection with the development of a portion of the Redevelopment Area (the "**Original Project Site**"); and

**WHEREAS**, pursuant to the terms of the Original Redevelopment Agreement, Redeveloper agreed to redevelop the Original Project Site by constructing thereon a mixed-use project consisting of commercial and light industrial uses and conveying a portion of the Original Project Site to the Borough for the Borough to construct a Department of Public Works ("**DPW**") garage and a municipal recycling facility (collectively, the "**Original Project**"); and

**WHEREAS**, the Borough and the Redeveloper entered into an amended and restated redevelopment agreement, dated May 9, 2001 (the "**First Amended and Restated Redevelopment Agreement**"); and

**WHEREAS**, pursuant to the terms of the First Amended and Restated Redevelopment Agreement, the Parties agreed, among other things, to modify and amend the Original Redevelopment Agreement as follows: (1) the Redeveloper agreed to: (a) convey a portion of the Redevelopment Area consisting of Block 219.04 Lot 2.01 to the Borough (the "**Borough Property**") and (b) develop the Borough Property by constructing thereon a DPW garage, fuel depot, and salt storage barn (collectively, the "**DPW Facility**"); (2) Redeveloper agreed to complete the extension of Veterans Boulevard northward to Highland Cross, and dedicate the newly constructed portion of Veterans Boulevard to the Borough as a public road and right-of-way; and (3) the Borough agreed to vacate that portion of Veterans Boulevard existing as of the date of the First Amended and Restated Redevelopment Agreement between Borough Street and Highland Cross, and to vacate that portion of Borough Street lying west of Veterans Boulevard, and deliver, by quitclaim deed, title to the areas so vacated to the Redeveloper (collectively, the "**Amended Project**"); and

**WHEREAS**, effective February 5, 2015, the New Jersey Meadowlands Commission ("**NJMC**"), formerly the HDMC, is now part of the New Jersey Sports and Exposition Authority ("**NJSEA**"); and

**WHEREAS**, the Redevelopment Plan was amended by NJMC Resolution No. 14-38, dated September 24, 2014, and by NJSEA Resolution No. 2019-31, dated October 17, 2019; and

**WHEREAS**, the Redeveloper has completed construction of the DPW Facility and conveyed the Borough Property to the Borough and the Borough already vacated the above-described portion of Veterans Boulevard; and

**WHEREAS**, on August 25, 2020, the Borough and the Redeveloper entered into a Second Amended and Restated Redevelopment Agreement (the "**Second Amended and Restated Redevelopment Agreement**" and, together with the Original Redevelopment Agreement and the First Amended and Restated Redevelopment Agreement, the "**Redevelopment Agreement**"), pursuant to which the Redeveloper will redevelop the portion of the Redevelopment Area consisting of Block 219.04, Lot 1 (235 Veterans Boulevard) (the "**Project Site**") by constructing thereon an approximately 357,521 square foot warehouse and distribution facility (the "**Project**"); and

**WHEREAS**, the Redeveloper will also subdivide the Project Site, convey a portion thereof to the Borough, and delineate additional bus and other vehicular parking spaces thereon for the Borough's use; and

**WHEREAS**, in order to facilitate the redevelopment of the Project Site, the Borough now desires to vacate its right, title and interest in an approximately .241 acre portion of Borough Street lying west of the intersection of Borough Street and Veterans Boulevard, as depicted in **Exhibit A** hereto and as more particularly described in **Exhibit B** hereto (as so depicted and described, the "**Vacated Area**") and to allow, by operation of applicable law, the conveyance of such interest to the owners of the parcels adjacent to the Vacated Area; and

WHEREAS, N.J.S.A. 40A:12A-8f and 40:67-1 *et seq.* permit the Borough to close and vacate its interest in streets where necessary for projects such as the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RUTHERFORD, NEW JERSEY AS FOLLOWS:

**Section 1.** The recitals are incorporated herein as though fully set forth herein.

**Section 2.** The Borough hereby vacates the Vacated Area, as depicted in **Exhibit A** hereto more particularly described in the metes and bounds description 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 vacation set forth above.

**Section 2.** The Mayor, Borough Administrator and/or Borough Clerk are hereby authorized and directed to take such steps and execute such documents, if any, as are necessary for the Borough to convey appropriate interests to the owners of the parcels adjacent to the Vacated Area, including the Redeveloper, in a manner consistent with the provisions of this Ordinance and the Redevelopment Agreement.

**Section 3.** The Clerk of the Borough 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.

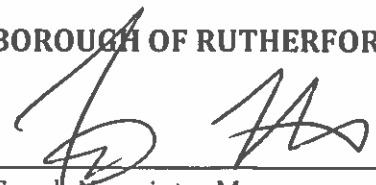
**Section 4.** Within sixty (60) days after adoption of this ordinance, the Borough Clerk is authorized and directed to cause a certified copy of this Ordinance to be filed with the Clerk of Bergen County, pursuant to N.J.S.A. 40:67-2.

**Section 5.** This Ordinance shall take effect according to applicable law.

ATTEST:

  
Margaret M. Scanlon, Borough Clerk

BOROUGH OF RUTHERFORD

  
Frank Nunziato, Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held March 22, 2021.

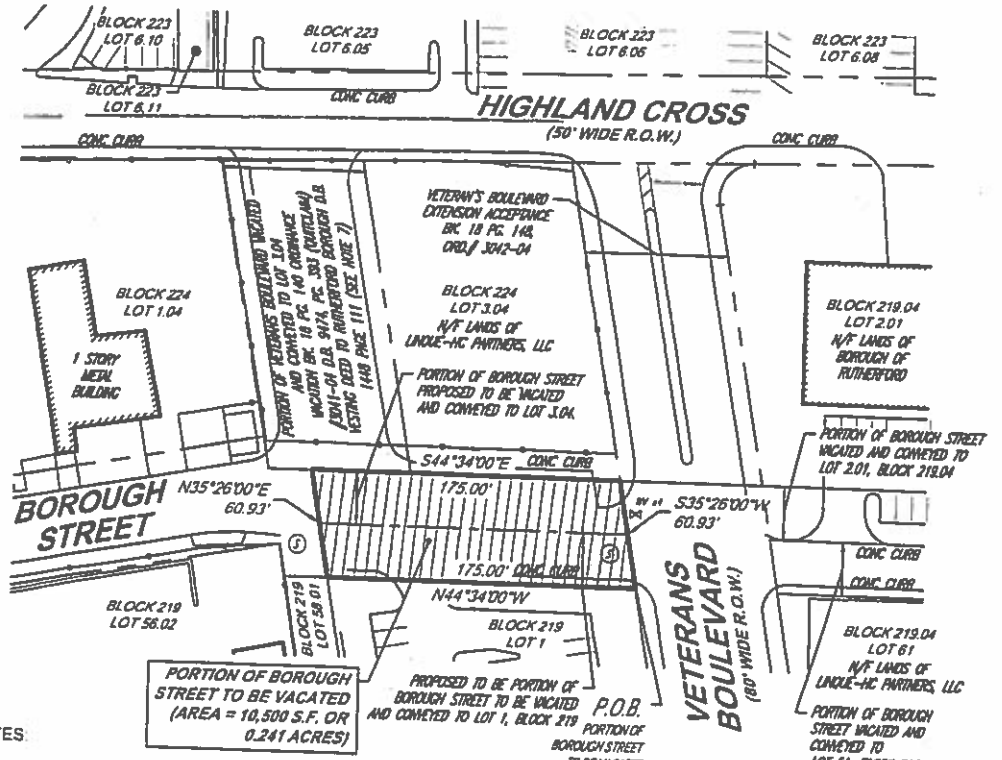
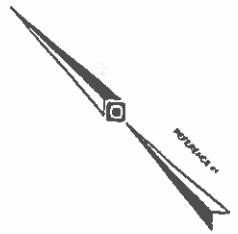
  
Margaret M. Scanlon, Borough Clerk

**Exhibit A**

**Map of Vacated Area**

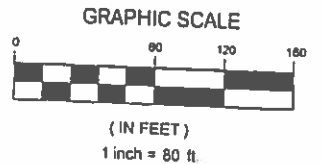
**REFERENCES:**

1. PLAN ENTITLED "ALTA NSPS LAND TITLE SURVEY, LINQUE-H.C. PARTNERS, L.L.C. 235 VETERANS BOULEVARD, LOT 1, 3, 61, 65 07 BLOCK 219 04, LOT 3 04, BLOCK 224, BOROUGH OF RUTHERFORD, BERGEN COUNTY, STATE OF NEW JERSEY" PREPARED BY CONTROL POINT ASSOCIATES, DATED 02-11-2021
2. TAX ASSESSOR'S MAP OF THE BOROUGH OF RUTHERFORD, SHEET 15, DATED JULY 28, 2014
3. MAP ENTITLED BERGEN COUNTY UTILITIES AUTHORITY JOINT MEETING EXTENSION PUMPING STATION PARCEL 92-1 PREPARED BY GLOBAL SURVEYS, INC. DATED 8/2/83, REVISED 10/7/83 & MAP ENTITLED BERGEN COUNTY UTILITIES AUTHORITY JOINT MEETING EXTENSION PUMPING STATION PARCEL 92-2 PREPARED BY GLOBAL SURVEYS, INC. DATED 8/2/83, REVISED 10/6/83
4. SITE PLAN SET ENTITLED "PROPOSED WAREHOUSE, EXISTING BLOCK NO 219 04, LOT NOS. 1, 3, & 61 PROPOSED BLOCK NO 219 04, LOT NOS 1 01 & 3 01, BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY" PREPARED BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC. DATED 10/29/2019, LAST REVISED 12/29/2020 AS REVISION NUMBER 3 WITH REFERENCE NUMBER 100498101



**NOTES:**

1. PROPERTY KNOWN AS A PORTION OF BOROUGH STREET, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY
2. VACATION AREA 10,500 S.F. 0.241 A.C.
3. UNDERGROUND UTILITIES HAVE NOT BEEN SHOWN BEFORE ANY SITE EVALUATION. PREPARATION OF DESIGN DOCUMENTS OR EXCAVATION IS TO BEGIN. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE VERIFIED BY THE PROPER UTILITY COMPANIES.
4. THIS EXHIBIT SKETCH IS BASED ON INFORMATION PROVIDED BY CLIENT. A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC., AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
5. THIS EXHIBIT SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN.
6. THE INTENTION OF THIS EXHIBIT SKETCH IS TO DEPICT THE LOCATION AND DIMENSIONS OF THE PORTION OF BOROUGH STREET TO BE VACATED.
7. BASED UPON THE LOCATION OF THE RAILROAD, A PORTION OF LOT 1 BLOCK 219 04, LOT 2 01 BLOCK 219 04 OF RUTHERFORD IN O.B. 1448 PG. 111.



THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION SEAL.

*John P. Lynch*  
**JOHN P. LYNCH**  
 NEW JERSEY PROFESSIONAL LAND SURVEYOR #03538100  
 NEW JERSEY CERTIFICATE OF AUTHORITY #CN 824G27938650

FIELD DATE		<b>PORTION OF BOROUGH STREET TO BE VACATED EXHIBIT</b> <b>LINQUE-H.C. PARTNERS, L.L.C.</b> BOROUGH STREET WEST OF VETERANS BOULEVARD BOROUGH OF RUTHERFORD BERGEN COUNTY, STATE OF NEW JERSEY	
FIELD BOOK NO.			
FIELD BOOK PG.			
FIELD CREW			
DRAWN	A.L.D.	<b>CONTROL POINT ASSOCIATES, INC.</b> 30 INDEPENDENCE BOULEVARD, SUITE 100 WARREN, NJ 07059 WWW.CPA-SURVEY.COM	
APPROVED	G.P.P.		
DATE	02-19-2021	SCALE	1"=80'
FILE NO.	01-980299-13	DWG NO.	1 OF 1

**Exhibit B**

**Description of Vacated Area**



# CONTROL POINT ASSOCIATES, INC.

traditional methods | modern approaches

30 Independence Blvd  
Suite 100  
Warren, NJ 07059  
Tel: 908.668.0099  
cpasurvey.com

FEBRUARY 19, 2021  
REVISED MARCH 4, 2021  
01-980299-13

## METES AND BOUNDS DESCRIPTION A PORTION OF BOROUGH STREET TO BE VACATED BOROUGH OF RUTHERFORD BERGEN COUNTY, NEW JERSEY

BEGINNING AT A POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF VETERANS BOULEVARD (80 FEET WIDE) WITH SOUTHWESTERLY LINE OF BOROUGH STREET (60 FEET WIDE) AS SHOWN ON AN EXHIBIT MAP ENTITLED "PORTION OF BOROUGH STREET TO BE VACATED EXHIBIT, LINQUE-H.C. PARTNERS, L.L.C., BOROUGH STREET WEST OF VETERANS BOULEVARD, BOROUGH OF RUTHERFORD, BERGEN COUNTY, STATE OF NEW JERSEY" PREPARED BY CONTROL POINT ASSOCIATES, DATED 02-19-2021, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 219 AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;


1. ALONG THE SOUTHWESTERLY LINE OF BOROUGH STREET, NORTH 44 DEGREES - 34 MINUTES - 00 SECONDS WEST, A DISTANCE OF 175.00 FEET TO A POINT, THENCE;
2. CROSSING THE BED OF BOROUGH STREET, NORTH 35 DEGREES - 26 MINUTES - 00 SECONDS EAST, A DISTANCE OF 60.93 FEET TO A POINT, THENCE;
3. ALONG THE NORTHEASTERLY LINE OF BOROUGH STREET, PARTIALLY ALONG THE PORTION OF VETERANS BOULEVARD VACATED AND CONVEYED TO LOT 3.04, VACATION BK. 18, PG. 140, ORD# 3041-04, DB. 9474 PG. 393, AND ALONG LOT 3.04, LANDS N/F LINQUE-HC PARTNERS, LLC, SOUTH 44 DEGREES - 34 MINUTES - 00 SECONDS EAST, A DISTANCE OF 175.00 FEET TO A POINT, THENCE;
4. ALONG THE NORTHWESTERLY LINE OF VETERANS BOULEVARD, SOUTH 35 DEGREES - 26 MINUTES - 00 SECONDS WEST, A DISTANCE OF 60.93 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 10,500 SQUARE FEET OR 0.241 ACRES

THIS PROPERTY IS SUBJECT TO ANY RESTRICTIONS, COVENANTS AND/OR EASEMENTS, EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO PLAN ENTITLED "ALTA/NSPS LAND TITLE SURVEY, LINQUE-H.C. PARTNERS, L.L.C., 235 VETERANS BOULEVARD, LOT 1, 3, 61, 65.07, BLOCK 219.04, LOT 3.04, BLOCK 224, BOROUGH OF RUTHERFORD, BERGEN COUNTY, STATE OF NEW JERSEY" PREPARED BY CONTROL POINT ASSOCIATES, DATED 02-11-2021

CONTROL POINT ASSOCIATES, INC.

 3/4/2021  
 JOHN P. LYNCH DATE  
 STATE OF NEW JERSEY  
 PROFESSIONAL LAND SURVEYOR #35381