

ORDINANCE NO. 3677-23

AN ORDINANCE OF THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN, STATE OF NEW JERSEY ACCEPTING DEDICATION OF A PORTION OF BOROUGH STREET ADJOINING PROPERTY IDENTIFIED AS BLOCK 224, LOT 3.04 FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY AND THOROUGHFARE BETWEEN ROUTE 17 NORTH AND VETERANS BOULEVARD

WHEREAS, the Borough of Rutherford (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:12-4 and 40A:12-5, the Borough is authorized to acquire, by ordinance, real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, Linque - HC Partners Urban Renewal Company, LLC (the “**Grantor**”), is the owner in fee simple of Block 224, Lot 3.04 in the Borough (the “**Grantor’s Property**”); and

WHEREAS, in accordance with the preliminary and final site plan approval and use and bulk variance relief granted by the Borough’s Zoning Board of Adjustment (the “**Zoning Board**”) concerning the Grantor’s Property, by resolution decided on December 21, 2021 and dated January 18, 2022 (the “**Zoning Board Resolution**”), and pursuant to that certain Second Amended and Restated Redevelopment Agreement between Grantor and the Borough, dated August 25, 2020, Grantor’s approvals were conditioned on (1) Grantor’s dedication of approximately 0.15 acres of Grantor’s Property to the Borough, as described in the metes and bounds description, attached hereto as **Exhibit A** (the “**Dedicated Property**”), for the purpose of creating an approximately 34-foot-wide public right-of-way to complete and establish a thoroughfare between Route 17 North and Veterans Boulevard in the Borough, for use by automobiles, trucks, buses, tractor trailers, and such similar vehicles and (2) the Borough’s acceptance of such dedication; and

WHEREAS, Grantor is willing to dedicate and convey to the Borough, and the Borough is willing to accept from Grantor, the Dedicated Property for public road and public right-of-way purposes, as outlined in the proposed deed of dedication attached hereto as **Exhibit B** (the “**Deed of Dedication**”).

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 accepts the dedication of the Dedicated Property for use as a public roadway and public right-of-way as outlined in the Deed of Dedication attached hereto as **Exhibit B**.

Section 3. The Mayor, Business Administrator, and/or Borough Clerk of the Borough are hereby authorized and directed to execute all documents necessary to effectuate the acceptance of the dedication described herein, and to take all other necessary or appropriate action to effectuate the purposes of this Ordinance.

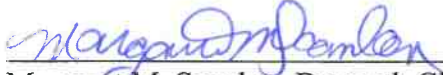
Section 4. The Clerk of the Borough is hereby authorized and directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2.

Section 5. Once adopted, 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 6. This Ordinance shall take effect according to applicable law.

ATTEST:

BOROUGH OF RUTHERFORD


Margaret M. Scanlon, Borough Clerk


Frank Nunziato, Mayor

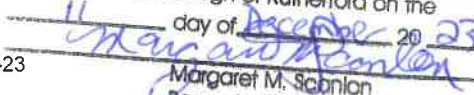
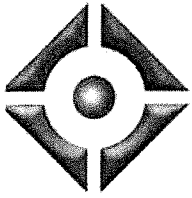
I hereby certify that this is a true and exact copy of an ordinance adopted by the Mayor and Council of the Borough of Rutherford on the 11 day of December 2023

Margaret M. Scanlon
Borough Clerk

EXHIBIT A

Metes and Bounds Description of Dedicated Property



CONTROL POINT
ASSOCIATES, INC.
 traditional methods | modern approaches

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

OCTOBER 3, 2023
 01-980299-13

METES AND BOUNDS DESCRIPTION

A PORTION OF BOROUGH STREET ADJOINING LOT 3.04, BLOCK 224
 (NORTHEASTERLY HALF)
 BOROUGH OF RUTHERFORD
 BERGEN COUNTY, NEW JERSEY


BEGINNING AT A POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF VETERANS BOULEVARD (80 FEET WIDE) WITH CENTER LINE OF BOROUGH STREET (60 FEET WIDE) AS SHOWN ON A MAP ENTITLED "MINOR SUBDIVISION PLAN, LINQUE-H.C. PARTNERS, L.L.C., 235 VETERANS BOULEVARD, BOROUGH OF RUTHERFORD, BERGEN COUNTY, STATE OF NEW JERSEY" PREPARED BY CONTROL POINT ASSOCIATES, DATED 10/29/2019, REVISION #3, DATED 04/21/2020, FILED IN BERGEN COUNTY AS MAP #9756, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

1. ALONG THE CENTER 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 30.46 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 30.46 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 5,250 SQUARE FEET OR 0.121 ACRES

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

CONTROL POINT ASSOCIATES, INC.

 10/3/2023
 JOHN P. LYNCH DATE
 STATE OF NEW JERSEY
 PROFESSIONAL LAND SURVEYOR #35381

JPL/la P:\surveys\1998\098299\01-980299-13\M&B\M&B - Portion of Borough St Adjoining Lot 3.04.docx

EXHIBIT B

Proposed Deed of Dedication

| | |
|---|--|
| <u>Record and Return to:</u> Kevin P. McManimon, Esq. McManimon Scotland & Baumann, LLC 75 Livingston Avenue Roseland, New Jersey 07068 | <u>Prepared by:</u> Kevin P. McManimon, Esq. McManimon Scotland & Baumann, LLC 75 Livingston Avenue Roseland, New Jersey 07068 |
|---|--|

**DEED OF DEDICATION FOR PUBLIC ROAD, PUBLIC RIGHT-OF-WAY,
AND RELATED IMPROVEMENTS**

This Deed of Dedication (this “**Deed**”) is made as of _____, 2023, by and between, **Linque - HC Partners Urban Renewal Company, LLC**, a limited liability company formed under the laws of the State of New Jersey, with offices at 1 Meadowlands Plaza, Suite 803, East Rutherford, New Jersey 07073 (the “**Grantor**”), and the **BOROUGH OF RUTHERFORD**, a body politic of the State of New Jersey, whose address is 176 Park Avenue, Rutherford, New Jersey 07070 (the “**Grantee**”).

WITNESSETH

WHEREAS, Grantor is the owner of that certain parcel of land located in the Borough of Rutherford (the “**Borough**”), County of Bergen, State of New Jersey identified as Block 224, Lot 3.04 on the official tax map of the Borough (the “**Grantor’s Property**”); and

WHEREAS, in accordance with the conditional preliminary and final site plan approval and use and bulk variance relief granted by the Borough’s Zoning Board of Adjustment (the “**Zoning Board**”) concerning the Grantor’s Property, by resolution decided on December 21, 2021 and dated January 18, 2022 (the “**Zoning Board Resolution**”), and pursuant to that certain Second Amended and Restated Redevelopment Agreement between Grantor and the Borough, dated August 25, 2020, Grantor’s approvals were conditioned on (1) Grantor’s dedication of approximately 0.15 acres of Grantor’s Property to the Borough for the purpose of creating an approximately 34-foot-wide public right-of-way to complete and establish a thoroughfare between Route 17 North and Veterans Boulevard in the Borough, for use by automobiles, trucks, buses, tractor trailers, and such similar vehicles and (2) the Borough’s acceptance of such dedication; and

WHEREAS, Grantor is willing to dedicate and convey to Grantee, and Grantee is willing to accept from Grantor, such portion of Grantor’s Property for public road and right-of-way purposes, which portion of Grantor’s Property is more particularly described in the metes and bounds description, attached hereto as **Exhibit A** (the “**Dedicated Property**”); and

WHEREAS, on _____, 202__, the Borough adopted an Ordinance accepting such dedication.

NOW, THEREFORE, in consideration of these premises, the covenants and promises set

forth herein and the sum of One Dollar (\$1.00), the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree:

1. Grantor hereby grants, dedicates and conveys to Grantee, and Grantee hereby accepts from Grantor, the Dedicated Property for public road and public right-of-way purposes, including all the improvements located thereon.

2. The purpose of this Deed is to convey the Dedicated Property to Grantee for the creation or expansion of a public roadway and public right-of-way.

3. Grantor promises that Grantor has done no act to encumber the Dedicated Property other than matters of record. This promise is called a “covenant as to grantor’s acts” (N.J.S.A. 46:4-6). This promise means that Grantor has not allowed anyone else to obtain any legal rights which affect the Dedicated Property (such as by making a mortgage or allowing a judgment to be entered against Grantor).

[signatures on following page]

IN WITNESS WHEREOF, Grantor signs this Deed as of the date as first set forth above.

LINQUE - HC PARTNERS URBAN RENEWAL COMPANY, LLC,

By: _____
Name:
Title:

ACKNOWLEDGMENT

STATE OF NEW JERSEY)
) SS:
COUNTY OF)

Be it remembered that on this ____ day of _____, 2023, _____ personally appeared before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person executed the attached document as _____ of **LINQUE - HC PARTNERS URBAN RENEWAL COMPANY, LLC**, the Grantor named in this document;

(b) this document was signed and made by the Grantor as its duly authorized and voluntary act and deed; and

(c) this deed for One and 00/100 Dollars (\$1.00) as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Notary Public