

City Clerk File No. Ord. 09-064

Agenda No. 3.A 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 89-064

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE VII (TRAFFIC) ARTICLE X (SCHEDULES) AMENDING SCHEDULE 26 (RESTRICTED PARKING ZONES) OF THE JERSEY CITY CODE CREATING ZONE 12 AND DESIGNATING CLENDENNY AVENUE BETWEEN ROUTE 440 AND MALLORY AVENUE AS PART OF THE ON-STREET RESIDENT ONLY PERMIT PARKING PROGRAM FROM MONDAY THROUGH FRIDAY, 8:00 A.M. TO 4:00 P.M.

WHEREAS, there are many Automobile Dealerships surrounding Clendenny Avenue and each have a large client base that park on Clendenny Avenue when visiting the various Showrooms; and

WHEREAS, the Automobile Service Centers for these various Dealerships park the vehicles awaiting repairs or those that are finished being serviced on Clendenny Avenue; and

WHEREAS, a parking problem exists because residents of Clendenny Avenue are unable to find parking on their street, especially between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, due to the increased volume of traffic in the area and due to the many Automobile Dealerships in the neighborhood; and

WHEREAS, due to inadequate parking availability, specifically occurring between 8:00 a.m. and 4:00 p.m., Monday through Friday, area residents, Senior Citizens and those that are accompanied by small children, are forced to park unreasonable distances from their homes thereby enhancing the risk of health and public safety problems for said residents; and

WHEREAS, the large number of vehicles coming into the area and the decreased number of legal parking spaces in the area has resulted in an increase in illegal parking in the area, including but not limited to parking in crosswalks, driveways, in fire zones and double parking; and

WHEREAS, the large volume of traffic in the area increases air pollution and noise pollution as well as other negative effects on the environment.

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter 26 (Vehicles and Traffic) Article VII (Traffic), Article X (Schedules) of the Jersey City Code are hereby adopted.

ARTICLE VII	TRAFFIC
Sec. 26-70	Parking restrictions in residential zones.
(a) Through (g)	No Change

Continued.....

JDS:pcl
(05.08.09)

Sec. 26-96

SCHEDULE 26
RESTRICTED PARKING ZONES

ZONE 1 THROUGH 11

NO CHANGE

ZONE 12

The parking restriction will be in effect for the following street(s), Monday through Friday, 8:00 a.m. to 4:00 p.m.

Clendenny Avenue

Between Route 440 and Mallory Avenue

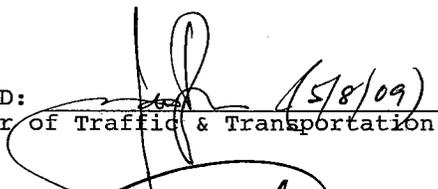
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

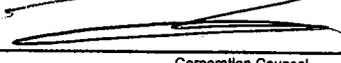
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

JDS:pcl
(05.08.09)

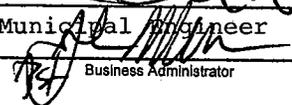
APPROVED:  (5/8/09)
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:  5/10/09
Municipal Engineer

APPROVED: 
Business Administrator

Certification Required

Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/ resolution/cooperation agreement:

An ordinance supplementing Chapter 26(Vehicles and Traffic) Article VII(Traffic) Article X(Schedules) amending Schedule 26(Restricted Parking Zones) of the Jersey City Code creating Zone 12 and designating Clendenny Avenue between Route 440 and Mallory Avenue as part of the On-Street Resident Only Permit Parking Program from Monday through Friday, 8:00 a.m. to 4:00 p.m.

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designated On-Street Resident Only Permit Parking on Clendenny Avenue from Route 440 to Mallory Avenue, Monday through Friday, 8:00 a.m. to 4:00 p.m.

4. Reasons (need) for the proposed program, project, etc.:

The parking spaces on Clendenny Avenue are being occupied by visitors to either the Automobile Dealerships in the area or the Service/Repair Centers for the dealerships, therefore, leaving little or no parking for the residents of Clendenny Avenue

5. Anticipated benefits to the community:

Increase parking availability for the residents of Clendenny Avenue

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contribution):

Approximately \$200.00 per channel and sign installation.
Utilize existing hardware if possible and install approximately 32 signs
Approximate cost \$3,200.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

Twenty days after adoption of the Ordinance by the Jersey City Municipal Council

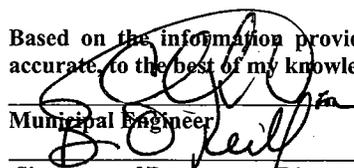
9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, 201.547.4492

10. Additional comments:

Ordinance proposed at the request of Councilman Kenny on behalf of the residents of Clendenny Avenue

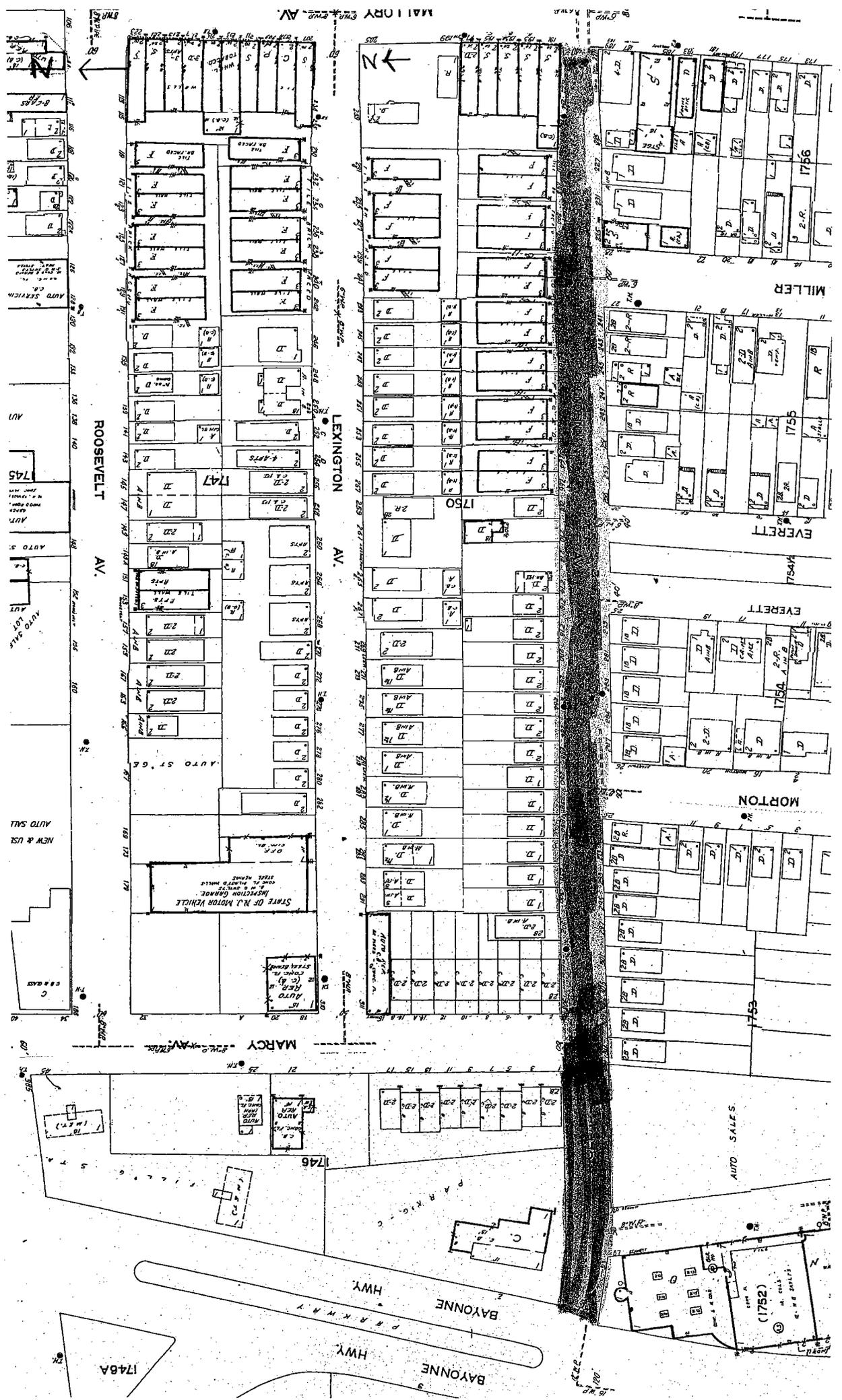
Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.


Municipal Engineer

Signature of Department/ Director

5/8/09
Date

6-3-09
Date



LEXINGTON AV.

ROOSEVELT AV.

MARCY AV.

BAYONNE HWY.
P R A N K N A Y

MILLER

EVERETT

MORTON

AUTO SALES

STATE OF N.J. MOTOR VEHICLE
INSPECTION GARAGE
1747

745

NEW & USE
AUTO SALES

1750

1746

1753

1755

1756

(1752)

1746A

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

Ord. 09-064

ORDINANCE NO. _____

TITLE: 3.A. MAY 20 2009 4.A. JUN 03 2009



An ordinance supplementing Chapter 26 (Vehicles and Traffic) Article VII (Traffic) Article X (Schedules) amending Schedule 26 (Restricted Parking Zones) of the Jersey City Code creating Zone 12 and designating Clendenny Avenue between Route 440 and Mallory Avenue as part of the On-Street Resident Only Permit Parking Program from Monday through Friday, 8:00 a.m. to 4:00 p.m.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
MAY 20 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Councilperson LIPSKI moved, seconded by Councilperson BRENNAN to close P.H.

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUN 03 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
KENNY				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
JUN 03 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

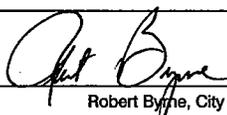
✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 20 2009

Adopted on second and final reading after hearing on JUN 03 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 03 2009


 Robert Byrne, City Clerk

APPROVED:


 Mariano Vega, Jr., Council President

Date: JUN 03 2009

APPROVED:


 Jerramiah T. Healy, Mayor

Date: JUN 11 2009

Date to Mayor JUN - 4 2009

*Amendment(s):

City Clerk File No. Ord. 09-066

Agenda No. 3.C 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-066

TITLE:

ORDINANCE AMENDING ORDINANCE 05-103 ADOPTED ON AUGUST 10, 2005 TO PERMIT STEGMAN REALTY ONE, LLC; STEGMAN REALTY TWO, LLC; STEGMAN ACQUISITION, LLC AND STEGMAN STREET, LLC TO OFFER FOR RENT RATHER THAN FOR SALE RESIDENTIAL UNITS AT 228-230 STEGMAN STREET

WHEREAS, Stegman Realty One, LLC; Stegman Realty Two, LLC; Stegman Acquisition, LLC and Stegman Street, LLC (Stegman Realty et al.) owned ten residential units and the City of Jersey City (City) owned ten residential units in a building at 228-230 Stegman Street; and

WHEREAS, the building needed substantial renovations for the units to be habitable; and

WHEREAS, Ordinance 05-103 adopted on August 10, 2005 authorized the settlement of a lawsuit and the conveyance from the City to Stegman Realty et al. of ten (10) City-owned residential units identified as D1, D3, D4 E1, E3, F2, G4, H4, I1, I4, in Block 1317, Lot 7A; and

WHEREAS, Ordinance 05-103 required that Stegman Realty et al. rehabilitate the building and sell the ten units acquired from the City subject to a deed restriction that the units be owner-occupied and not used for rental purposes; and

WHEREAS, Stegman Realty et al. rehabilitated the building and attempted to sell the twenty (20) condominium units without any success; and

WHEREAS, Stegman Realty et al. is requesting that the City change the deed restriction so that it can rent the ten units to senior citizens at affordable rents; and

WHEREAS, Stegman Realty et al. desires to rent the ten units conveyed by the City to senior citizens, ages 62 and older, whose incomes do not exceed 60% of Hudson County's median income; and

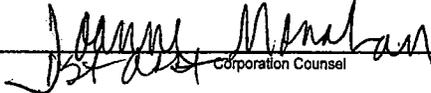
WHEREAS, the rents would be in accordance with the New Jersey Housing and Mortgage Finance Agency's rental rate for individuals whose incomes do not exceed 60% of Hudson County's median income.

NOW, THEREFORE, BE IT ORDAINED that:

1. Ordinance 05-103 approved on August 10, 2005 is amended to eliminate the property deed restriction requiring that ten of the residential units at 228-230 Stegman Street be sold as owner-occupied condominium units that could never be rented;

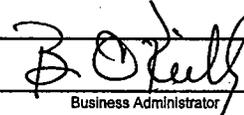
2. Stegman Realty et al. is authorized to rent the ten units conveyed by the City to senior citizens who shall be persons of at least 62 years of age whose incomes do not exceed 60% of Hudson County's median income;
3. The rents charged by Stegman Realty et al. shall not exceed the rents established by the New Jersey Housing and Mortgage Finance Agency for individuals whose incomes do not exceed 60% of Hudson County's median income;
4. The City shall prepare and deliver to Stegman Realty et al. corrective deeds containing the restrictions set forth in paragraph nos. 2 and 3 of this ordinance for the ten units previously conveyed by the City to Stegman Realty et al.; and
5. The Mayor or Business Administrator is authorized to execute any other documents necessary or appropriate to implement the purposes of this ordinance.

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required
Not Required

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

Ord. 09-066

ORDINANCE NO. _____

TITLE: 3.C. MAY 20 2009 4.C. JUN 03 2009



Ordinance amending Ordinance 05-103 adopted on August 10, 2005 to permit Stegman Realty One, LLC; Stegman Realty Two, LLC; Stegman Acquisition, LLC and Stegman Street, LLC to offer for rent rather than for sale residential units at 228-230 Stegman Street.

RECORD OF COUNCIL VOTE ON INTRODUCTION								MAY 20 2009 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Councilperson GAUGHAN moved,, seconded by Councilperson SOTTOLANO to close P.H.

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								JUN 03 2009 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
KENNY				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE								JUN 03 2009 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

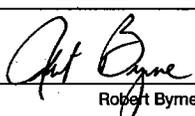
✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 20 2009

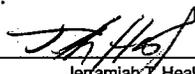
Adopted on second and final reading after hearing on JUN 03 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 03 2009


 Robert Byrne, City Clerk

APPROVED: _____

 Mariano Vega, Jr., Council President
 Date: JUN 03 2009

APPROVED: _____

 Jeremiah T. Healy, Mayor
 Date: JUN 11 2009
 Date to Mayor JUN - 4 2009

*Amendment(s): _____

City Clerk File No. Ord. 09-067

Agenda No. 3.D 1st Reading

Agenda No. 4.D. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-067

TITLE: ORDINANCE TO AUTHORIZING THE IMPOSITION OF A CONSERVATION EASEMENT AND DEED RESTRICTIONS ON THE "GATEWAY SITES" AS REQUIRED UNDER THE HONEYWELL SETTLEMENT CONSENT ORDER

COUNCIL

offered and moved adoption of the following Ordinance:

WHEREAS, on December 23, 2005, the Jersey City Municipal Utilities Authority [JCMUA] filed a lawsuit in federal court entitled Jersey City Municipal Utilities Authority v. Honeywell International Inc. (D. N.J. Civ. No. 05-955 DMC) seeking remediation of chromium contamination on property owned by JCMUA; and

WHEREAS, on December 28, 2005, the Jersey City Incinerator Authority [JCIA] filed a lawsuit in federal court entitled Jersey City Incinerator Authority v. Honeywell International Inc. (D. N.J. Civ. No. 05-5993 DMC) seeking remediation of chromium contamination on property owned by JCIA and other relief; and

WHEREAS, on January 4, 2006 the Hackensack Riverkeeper, Inc. [Riverkeeper] filed a lawsuit in federal court entitled Hackensack Riverkeeper, Inc. v. Honeywell International Inc. (D. N.J. Civ. No. 06-022 DMC) filed a lawsuit against Honeywell under the Resource and Conservation Recovery Act and seeking remediation of chromium contamination on various properties collectively designated by the New Jersey Department of Environmental Protection [NJDEP] as Study Areas 5, 6 North, and 6 South; and

WHEREAS, the three federal lawsuits, JCMUA v. Honeywell, JCIA v. Honeywell and Riverkeeper v. Honeywell were consolidated in the United States District Court of New Jersey [the Consolidated Litigation] under Docket No. 05-955 (DMC-PS); and

WHEREAS, in May 2005, Jersey City filed a lawsuit in State Court entitled Jersey City v. Honeywell International Inc. (Superior Court Law Division, Docket No. HUD-L-2295-05) seeking to recover lost property tax revenue for the property designated by the NJDEP as Study Area 7; and

WHEREAS, in May 2005, the NJDEP also filed a lawsuit in State Court entitled NJDEP v. Honeywell International Inc. (Superior Court Chancery Division, Docket No. HUD-C-77-05) seeking injunctive and other relief with respect to numerous sites in Essex and Hudson County contaminated with COPR produced by Honeywell and the other defendants [the Orphan Site Litigation]; and

WHEREAS, after extensive negotiations among the parties, on November 12, 2008, the City of Jersey City adopted a resolution that authorized the execution of a Settlement Consent Order which, among other things, required the City of Jersey City to subject certain property it owns, the "Gateway Sites", to certain statutory and regulatory controls to restrict the future use of the property to recreational purposes and to protect and preserve the environmental remediation actions taken on the property; and

ORDINANCE TO AUTHORIZING THE IMPOSITION OF A CONSERVATION EASEMENT AND DEED RESTRICTIONS ON THE "GATEWAY SITES" AS REQUIRED UNDER THE HONEYWELL SETTLEMENT CONSENT ORDER

WHEREAS, in order to implement the agreed upon statutory and regulatory controls, and to insure their perpetual endurance, the City of Jersey City is required to execute and record a Deed Notice; and

WHEREAS, it is in the best interests of the City to implement the Settlement Consent Order and authorize the execution and recordation of the Deed Notice.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The Mayor or Business Administrator is authorized to execute and record a deed to impose certain environmental controls and use restrictions on the following properties, known as the Gateway Sites:
 - i. Site 68 (Clendenny Outfall);
 - ii. Site 69 (Clendenny Avenue);
 - iii. Site 70 (Colony Drive); and
 - iv. Site 130 (Communipaw Avenue);

These properties are known on the official tax assessor's map as Block 1746, Lots B1, B3, C4, C5 and E1, and depicted on the map attached hereto as Exhibit A.

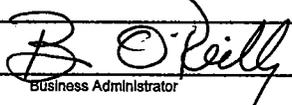
2. The Deed Notice shall be in substantially the form attached hereto as Schedule B, subject to such modification as the Business Administrator or the Corporation Counsel deems appropriate or necessary.
3. The Mayor or Business Administrator is also authorized to execute any other documents appropriate or necessary to effectuate the purposes of the within ordinance.
 - 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 fully set forth therein. 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 Counsel 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 accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he
5/14/09

APPROVED AS TO LEGAL FORM


Joanne Meraban
Corporation Counsel

APPROVED: _____

APPROVED: _____
B. O'Reilly
Business Administrator

Certification Required
Not Required

Exhibit “A”

Ord. 09-067
3.D

LINCOLN PARK

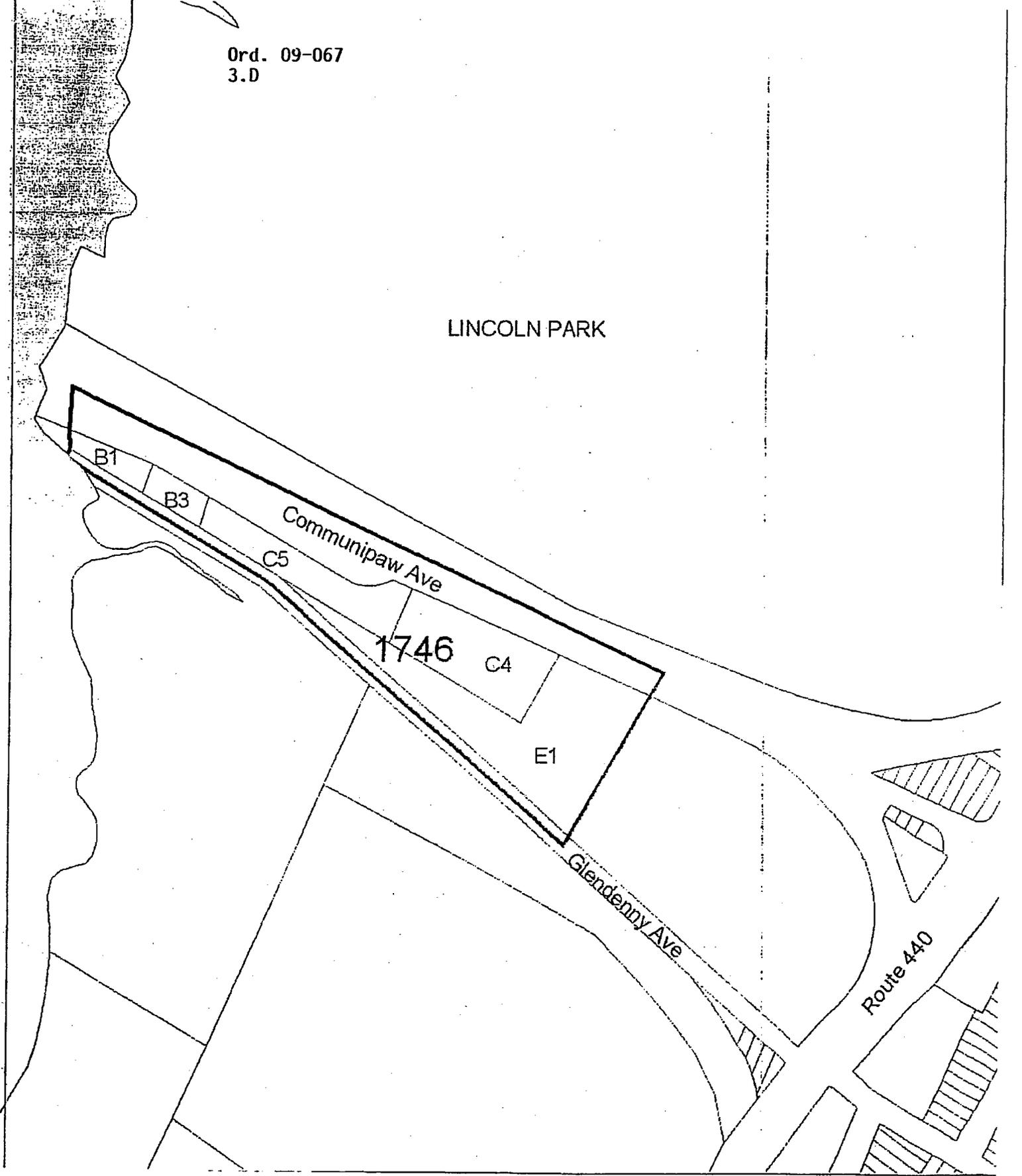


Exhibit “*B*”

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
[Signature]

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE AND RESTRICTION OF PROPERTY USE RELATED TO ENVIRONMENTAL CONDITIONS AND REMEDIAL ACTIONS

This Deed Notice and Restriction of Property Use Related to Environmental Conditions and Remedial Actions (“Deed Notice”) is made as of the ___ day of _____, 2009, by the City of Jersey City, New Jersey. Owner shall mean the City of Jersey City together with its successors and assigns, including all successors in interest in the Property (hereinafter defined) which is the subject of this Deed Notice as described fully below.

1. **THE PROPERTY.** The City of Jersey City is the current owner in fee simple of certain real property designated as [ADD PROPERTY DESCRIPTION] and more particularly described in Exhibit A-1 annexed hereto (the “Property”).
2. **DEPARTMENT’S ASSIGNED BUREAU.** The Bureau of State Case Management (“BCM”) is the New Jersey Department of Environmental Protection (“DEP”) program that is responsible for the oversight of the remediation of the Property. The matter is Case No. Hudson County Chromate Site Nos. 068, 069, 070, and 130.
3. **SOIL AND GROUNDWATER CONTAMINATION.** The DEP has conducted a preliminary investigation of the Property and has determined that soils, sediments, and/or groundwater on the Property may contain hexavalent chromium.
4. **CONSIDERATION.** Pursuant to, in furtherance of, and in exchange for consideration received under the *Settlement Consent Order by and Between the Jersey City Entities and Honeywell International Inc.*, entered on April 21, 2008 by the United States District Court for the District of

New Jersey in *Jersey City Municipal Utilities Authority v. Honeywell International Inc.* (Consolidated under Civ. No. 05-955) (hereinafter "Settlement Consent Order"), Owner has agreed to restrict the future use of the Property, to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to grant Honeywell International Inc. ("Honeywell") certain rights with respect to the Property and impose certain obligations with respect to the Property, which rights and obligations are intended to run with the land and be binding upon successors and assigns, and to provide notice to subsequent owners, lessees and operators of the restrictions on the Property.

5A. RESTRICTED AREAS AND USES. Owner has agreed to restrict the use of the Property to recreational, parkland, or open space uses and the entire Property shall be considered a restricted area. Future uses of the Property may include parkland, roadways, sidewalks, and other features supporting a recreational, parkland, open space, or transportation use. Residential, commercial, or industrial development of the Property is prohibited. Development of the Property may include the following types of features in support of a recreational, park land, open space, or transportation use:

- (a) Roads and pedestrian thoroughfares;
- (b) Curbing, fences, and signs;
- (c) sidewalks, paths, walkways, docks, nature trails, boat slips;
- (d) utilities and utility corridors, lighting, scoreboards;
- (e) restrooms and supporting plumbing;
- (f) irrigation or sprinkler components or systems;
- (g) water features, stormwater cisterns, and stormwater management systems;
- (h) Recreational facilities, including, but not limited to, playgrounds, playground equipments, basketball courts, tennis courts, athletic fields, benches, bicycle racks, scoreboards, dugouts, bleachers; and
- (i) other such facilities supporting recreational, park land, open space, or transportation uses of the Property.

5B. ENGINEERING CONTROLS. Owner consents to the use of engineering and institutional controls, such as containment controls, groundwater capture and treatment controls, deed notices, classification exception areas, or other similar controls, in the construction of an environmental remedy consistent with the future use of the Property for recreational, parkland, open space or transportation purposes. Upon the preparation of a Remedial Action Work Plan for the Property consistent with DEP regulations and with the future use of the Property for recreational, parkland, open space or transportation purposes, Owner shall file a letter with DEP providing notice of continued consent to the use of engineering and institutional controls as components of such remedy. Owner shall further seek modification of this Deed Notice to (a) describe with specificity any such engineering and institutional controls and the additional protections necessary to ensure the integrity of such engineering controls; and (b) describe any associated monitoring and maintenance activities and biennial certification requirements associated with such engineering and institutional controls. Owner will without further consideration promptly execute and record, or permit Honeywell to record, any amended or replacement Deed Notice necessary to secure approval of remediation which utilizes engineering or institutional controls.

6A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. Except as provided in Paragraph 6B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining the express written consent of DEP. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration. To request the consent of DEP, contact:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

ii. Notwithstanding subparagraph 6A.i., above, DEP's express written consent is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies DEP of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(C) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(D) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(E) Ensures that exposure to contamination in excess of the applicable remediation standards does not occur;

(G) Submits a written report, describing the alteration, improvement, or disturbance, to DEP within sixty (60) calendar days after the end of each alteration, improvement, or disturbance. The report shall include in the report the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance, the amounts of soil generated for disposal, if any, the final disposition and any precautions taken to prevent exposure. The report shall be submitted to:

Department of Environmental Protection

Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

6B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, any person may temporarily breach any engineering control provided that that person complies with each of the following:

- i. Immediately notifies DEP of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;
- ii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- iii. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;
- iv. Notifies DEP when the emergency has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;
- vii. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides a written report to DEP of such emergency and restoration efforts within sixty (60) calendar days after completion of the restoration of the engineering control. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (a) the nature and likely cause of the emergency, (b) the potential discharges of or exposures to contaminants, if any, that may have occurred, (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment, (d) the measures completed or implemented to restore the engineering control, and (e) the changes to the engineering control or site operation and maintenance plan to prevent recurrence of such conditions in the future. The report shall be submitted to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

7. ACCESS. Owner agrees to allow DEP, its agents, and representatives access to the Property to (a) conduct a remedial investigation and otherwise inspect and evaluate conditions on the Property and the protectiveness of any remedial action that includes this Deed Notice and (b) conduct remediation to ensure the protection of the public health and safety and of the environment Owner shall also cause all leases, subleases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring that all holders thereof provide such access to DEP.

Owner further agrees to allow Honeywell, it agents, and representatives, access to the Property to (a) conduct a remedial investigation and otherwise inspect and evaluate conditions on the Property; (b) conduct remediation to ensure the protection of the public health and safety and of the environment; and (c) inspect, repair, maintain, replace and certify any engineering controls adopted as part of any environmental remediation undertaken by Honeywell. Owner shall also cause all leases, subleases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring that all holders thereof provide such access to Honeywell.

8. NOTICES.

i. Owner shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. Owner shall notify any person intending to conduct invasive work or excavate within the Property on its behalf of the nature and location of contamination and, of the precautions necessary to minimize potential human exposure to contaminants.

iii. Owner shall provide written notice to DEP at least thirty (30) calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property.

iv. Owner shall provide written notice to DEP within thirty (30) calendar days following the Owner's receiving notice of any petition for a rezoning of the Property. The Owner shall submit the written notice to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413.

9. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice and the restrictions and obligations created herein are created in favor of and for the benefit of Honeywell and its successors and assigns. As such, this Deed Notice creates an interest in the Property in favor of Honeywell and runs with the land. The restrictions and obligations provided herein may be enforceable in a court of competent jurisdiction by Honeywell against any person who violated this Deed Notice.

ii. This Deed Notice itself is not intended to create any interest in real estate in favor of DEP, nor to create a lien against the Property in favor of DEP.

iii. The restrictions and obligations provided herein may be enforceable by DEP or the Owner against any person who violates this Deed Notice. To enforce violations of this Deed Notice, DEP may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11u and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11g.

10. PROVISIONS FOR THE BENEFIT OF ADJACENT PROPERTY. Honeywell is the owner of property adjacent to the Property and located at [Insert Description of SA-3] (hereinafter “the Honeywell Property”). Owner recognizes that the remedy for the Property and the remedy for the Honeywell property will likely be integrated into one overall remedy. As a result, this Deed Notice and Restriction will materially and substantially benefit the Honeywell Property and the restrictions and obligations provided herein shall be enforceable by the owner of the Honeywell Property.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as if the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12. SUCCESSORS AND ASSIGNS. This Deed Notice is intended to run with the land and shall be binding upon Owner, its successors, and assigns. It shall also be binding upon, and enforceable by, Honeywell, its successors and assigns.

13. MODIFICATION AND TERMINATION.

i. With notice to, and the written consent of, Honeywell, any person may request in writing, at any time, that DEP modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate.

ii. With notice to, and the written consent of, Honeywell, any person may request in writing, at any time, that DEP terminate this Deed Notice because the conditions which triggered the need for this Deed Notice are no longer applicable.

iii. This Deed Notice may be revised or terminated only upon filing of an instrument, executed by DEP, in the office of the Hudson County Register, New Jersey, expressly modifying or terminating this Deed Notice.

14A. EXHIBIT A. Exhibit A includes the following maps of the AOC 1 Open Space Property and the vicinity:

i. Exhibit A-1: Metes and Bounds Description of the Property - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property and a Tax Map;

ii. Exhibit A-2: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property;

iii. Exhibit A-3: AOC 1 Open Space Property Map - A scaled map of the AOC 1 Open Space Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; the map(s) shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

EXHIBIT A

A-1 Metes and Bounds Description of the Property

A-2 Vicinity Map

A-3 Property Map

A-1 Metes and Bounds Description of Property

Metes and Bounds Description of AOC 1 Open Space Property:

[Metes and Bounds Description to be included in final document]

Exhibit Figure A-1
Tax Map

TAX MAP

EXHIBIT FIGURE A-1

[To be Inserted]

Exhibit Figure A-2
Site Vicinity Map
SITE
Jersey City, New Jersey

[INSERT]

EXHIBIT FIGURE A-2
SITE VICINITY MAP

Exhibit Figure A-3
Property Map

SIGNATURES.

IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:

_____ By _____

Print name and title [Signature]

STATE OF New Jersey SS.: COUNTY OF

I certify that on _____, 20____, _____ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ of the Owner named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper officer who is the _____ of the Owner
- (c) this document was signed and delivered by the Owner as a voluntary act and was duly authorized;
- (d) this person knows the proper seal of the Owner which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 20____
_____, Notary Public

[Print name and title]

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

Ord. 09-067

ORDINANCE NO. _____

3.D. MAY 20 2009

4.D. JUN 03 2009

TITLE:

Ordinance to authorize the imposition of a conservation easement and deed restrictions on the "Gateway Sites" as required under the Honeywell settlement consent order.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
MAY 20 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Councilperson LIPSKI moved, seconded by Councilperson BRENNAN to close P.H.

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUN 03 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
KENNY				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
JUN 03 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

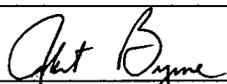
✓ Indicates Vote

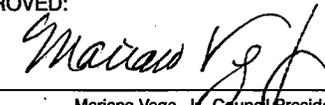
N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 20 2009

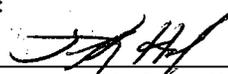
Adopted on second and final reading after hearing on JUN 03 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 03 2009


Robert Byrne, City Clerk

APPROVED: 
Mariano Vega, Jr., Council President

Date: JUN 03 2009

APPROVED: 
Jerramiah T. Healy, Mayor

Date: JUN 11 2009

Date to Mayor JUN - 4 2009

*Amendment(s):