

ORDINANCE 2022-13

**CITY OF UNION CITY
COUNTY OF HUDSON**

**ORDINANCE AUTHORIZING LEASE OF BLOCK 190 LOTS 35, 39, AND 43.01
FOR USE AS TEMPORARY DPW GARAGE**

WHEREAS, due to work being performed by New Jersey Transit, the City of Union City ("City") has an emergent need for a temporary garage/parking area for the Department of Public Works ("DPW"); and

WHEREAS, the City Engineers have recommended that the property located at Block 190 Lots 35, 39, and 43.01, Union City, New Jersey ("the Property") is adequate for and be utilized for such purpose; and

WHEREAS, the City has entered into negotiations with UCMH TERRA HEIGHTS LLC % M HECTOR ("Landlord") whose address is 1807 Kennedy Boulevard #1F, North Bergen, New Jersey, 07047 for the lease of the Property for a term of 24 months, at the rent of \$12,000.00 per month, and up to two six-month extension options at the rent of \$15,000.00 per month, or such other length of time as may be agreed to not to exceed thirty-six months; and

WHEREAS, the Board of Commissioners agree with the City Engineer's recommendation; and

WHEREAS, N.J.S.A. 40A:12-5 permits the City to acquire property for public use by way of lease; and

WHEREAS, it is anticipated that given the New Jersey Transit's schedule that the lease of such property will have to be accomplished prior to the final adoption of this Ordinance in order to avoid a disruption of DPW services that would immediately impact the public peace, health and safety;

NOW THEREFORE BE IT ORDAINED AND RESOLVED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, as follows:

SECTION ONE:

The above recitals are incorporated as if fully set forth herein.

SECTION TWO:

The City is authorized to lease the Property, or such portions thereof deemed necessary, from the Landlord the lease of the Property for a term of 24 months, at the rent

of \$12,000.00 per month, and two six-month extension options at the rent of \$15,000.00 per month, or such other length of time as may be agreed to not to exceed thirty-six months, under a form of lease agreement acceptable to the City as evidenced by the Mayor's signature thereon, and to the extent such a lease is entered into by the City prior to the adoption and effective date of this Ordinance, such lease is hereby ratified and approved.

SECTION THREE:

Such lease shall be subject to annual appropriations, therefore.

SECTION FOUR:

The Mayor and all other appropriate municipal officials be and they are hereby authorized to execute all documents and take such actions as may be necessary to effectuate the lease of the Property from the Landlord.

SECTION FIVE:

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION SIX:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand not withstanding the invalidity of any part.

SECTION SEVEN:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION EIGHT:

Effective Date of Ordinance.

- a) This Ordinance shall take effect as of the date of introduction as it is necessary for the immediate preservation of the public peace, health and safety of the City given the urgency herein described, if it is passed by a two-thirds vote of the Board of Commissioners on introduction, pursuant to N.J.S.A. 40:74-4.
- b) Furthermore, for purposes of N.J.S.A. 40:41A-101, if this Ordinance is not passed by two-thirds vote of the Board of Commissioners on introduction, it will take effect immediately upon adoption on second reading, as it is necessary to ensure the safety of the public, the Resolution of Emergency Declaration having been adopted by at least two-thirds of the Board of Commissioners.
- c) This Ordinance shall be published as otherwise required.

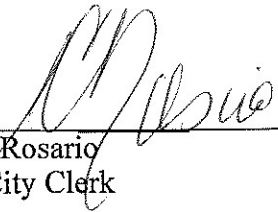
Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	/			
Wendy A. Grullon	/			
Celin J. Valdivia	/			
Maryury A. Martinetti	/			
Mayor Brian P. Stack				

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on September 20, 2022 and will be further considered after a Public Hearing held on October 4, 2022.

INTRODUCED: September 20, 2022

ADOPTED: October 4, 2022

ATTEST:



 Hilda I. Rosario
 Acting City Clerk

10/4/2022

 DATE