

ORDINANCE NO. 4822

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO ENGINEERING AND LAND PLANNING ASSOCIATES, 140 WEST MAIN STREET, HIGH BRIDGE, NEW JERSEY 08829 TO PERFORM ENVIRONMENTAL WORK CONSISTING OF INSTALLING THREE (3) MONITORING WELLS WITHIN THE PUBLIC RIGHT-OF-WAY ON CITY-OWNED PROPERTY LOCATED AT 901-903 SECOND AVENUE, 1-7 CENTRE STREET AND 11-15 SMITH STREET.

WHEREAS, the Division of Engineering has reviewed an application submitted by **Engineering and Land Planning Associates, 140 West Main Street, High Bridge, New Jersey 08829** dated March 10, 2017 with respect to environmental work within the right-of-way of Second Avenue, Centre Street and Smith Street. The Company is performing an environmental assessment related to the property known as Colton's Pharmacy (851 Elizabeth Avenue) located at the corner of Elizabeth Avenue and Smith Street which requires the installation of three (3) off-site monitoring wells, one (1) within the right-of-way of Second Avenue, one (1) within the right-of-way of Centre Street and one (1) within the right-of-way of Smith Street; and

WHEREAS, an Encroachment Permit for this remediation project was previously authorized under Ordinance No. 4782. However, upon having utility mark-outs completed it was revealed that the locations described in that ordinance were in conflict with existing utilities. This request has relocated MW-5 and MW-6 from Elizabeth Avenue to Second Avenue and Centre Street; and

WHEREAS, **Engineering and Land Planning Associates** has submitted the necessary documentation and will provided a new insurance policy endorsement and a two (2) year maintenance bond in the amount of \$4,500.00 (\$1,500.00 per well) prior to issuance of the Encroachment Permit. An insurance policy must also be updated yearly until the monitoring wells are properly abandoned and the affected sidewalk and pavement areas are fully restored. The applicant shall notify the adjacent property owners and businesses prior to commencing work; and

WHEREAS, issuance of this permit shall not relieve that applicant of any parking meter fees. Meter fees shall be paid to the City of Elizabeth Parking Authority for any metered spaces occupied for the completion of this work and any future monitoring activities; and

WHEREAS, the plan and application package will be kept in the Division of Engineering files for reference along with the two-year maintenance bond when received. The current insurance policy submitted expires May 9, 2017 and must be updated; now, therefore, be it

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - An Encroachment permit be granted to **Engineering and Land Planning Associates, 140 West Main Street, High Bridge, New Jersey 08829**, contingent upon receipt of proper bonding and insurance documentation for the installation of three (3) off-site monitoring wells, one (1) within the right-of-way of Second Avenue, one (1) within the right-of-way of Centre Street and one (1) within the right-of-way of Smith Street as depicted on a plan entitled "Proposed Monitoring Well Plan, Unity Colton Pharmacy, Block 7, Lots 360, 1150 & 1151, Elizabeth, Union County, New Jersey" prepared by Engineering and Land Planning Associates dated October 31, 2016 and revised on January 3, 2017 and which is on file in the Municipal Engineer's Office; and

SECTION 2. - A copy of all documents pertaining to the Encroachment Permit request shall be kept on file in the Division of Engineering along with a current insurance policy. All insurance policies shall be provided and be in full force and effect prior to issuance of the Encroachment Permit.

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on:

APR 12 2017

City Clerk

SECTION 3. - The contractor shall comply with all City Code requirements prior to the issuance of the Encroachment Permit.

SECTION 4. - All ordinances or parts of ordinance inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 6. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: _____

4/11/17



CARLOS L. TORRES
PRESIDENT OF CITY COUNCIL

APPROVED: _____

4/12/17


J. CHRISTIAN BOLWAGE
MAYOR

ATTEST:


YOLANDA M. ROBERTS, R.M.C.
MUNICIPAL CLERK