

ORDINANCE NO. 4831

AN ORDINANCE TO TRANSFER ENCROACHMENT PERMIT ISSUED TO TRICON ENTERPRISES, INC. TO THE PROPERTY OWNER/DEVELOPER, CMT DEVELOPERS, INC., FOR THE REDEVELOPMENT OF FORMER ELIZABETH GENERAL HOSPITAL 907-931 EAST JERSEY STREET

WHEREAS, the Division of Engineering has reviewed a request made by **CMT Developers, Inc., 150 Airport Road, Suite 1500, Lakewood, New Jersey 08701** to transfer an encroachment permit issued to **Tricon Enterprises, Inc.**, as authorized under Ordinance No. 4748, for the installation of a temporary construction fence and Jersey barriers within the right-of-way of East Jersey Street, Jacques Street, Reid Street and Lafayette Street during the demolition of the former Elizabeth General Hospital; and

WHEREAS, upon completion of the building demolition, **CMT Developers, Inc.** will maintain the installation of temporary construction fence within the right-of-way of East Jersey Street, Jacques Street, Reid Street and Lafayette Street for the duration of the redevelopment of the former Elizabeth General Hospital site. The proposed encroachment is required in order to maintain compliance with OSHA safety standards during construction of the project. After demolition is complete and prior to construction, the temporary' construction fence installed along the existing ornamental fence on Lafayette Street will be relocated to behind the curbline and the Jersey barriers will be relocated from Reid Street and East Jersey Street to Lafayette Street to be placed during active building construction along that right-of-way as depicted on plans entitled "R.O.W. Encroachment Plan, Jersey Walk, 907-931 East Jersey Street, City of Elizabeth, Union County, New Jersey" prepared by L2A Land Design, LLC revised through August 1, 2016 [post Demolition Phase] and "R.O.W. Encroachment Plan, Jersey Walk, 907-931 East Jersey Street, City of Elizabeth, Union County, New Jersey" prepared by L2A Land Design, LLC revised through December 12, 2016 [Construction Phase], which are on file in the Municipal Engineer's Office. Signage will be provided to detour pedestrians away from the closed sidewalk areas; and

WHEREAS, the City Engineer has requested that **CMT Developers, Inc.** submit a two (2) year maintenance bond in the amount of \$113,390.00 (as estimated in the previous ordinance), a Hold Harmless Agreement in a form acceptable to the City Attorney prior to the issuance of the permit, and a liability insurance policy for the life of the encroachment; and

WHEREAS, the City Engineer is recommending the release of the two (2) year maintenance bond posted by **Tricon Enterprises, Inc.** upon completion of the building demolition, satisfactory site inspection by the City Engineer and receipt of a new two (2) year maintenance bond from **CMT Developers, Inc.**; now, therefore

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

SECTION 1. - An encroachment permit be issued **CMT Developers, Inc. 150 Airport Road, Suite 1500, Lakewood, NJ 08701**, for the installation of a temporary construction fence and Jersey barriers within the right-of-way of East Jersey Street, Jacques Street, Reid Street and Lafayette Street during the redevelopment of the former Elizabeth General Hospital; and

SECTION 2. - That **CMT Developers, Inc.** shall submit all necessary documentation required by the City Engineer, post a two (2) year maintenance bond in the amount of \$113,390.00, execute a Hold Harmless Agreement prior to the issuance of the Encroachment Permit, and provide a liability insurance policy for the life of the encroachment; and

Mayor for
APPROVAL OR DISAPPROVAL on
APR 26 2017
City Clerk

SECTION 3. - That **CMT Developers, Inc.** shall comply with the following additional conditions: (1) place Jersey barriers only in the parking lanes during active construction of the buildings when necessary and remove the barriers in the event of forecasted snow; (2) box out fenced areas around fire hydrants to allow unobstructed access by the Fire Department; (3) comply with all Parking Authority Ordinances; (4) comply with all Uniform Construction Code requirements, including obtaining all construction permits; (5) comply with any directives from the Director of Public Works, Construction Official, Police Department and Fire Department; and (6) secure, prior to any work being done by contractors on behalf of CMT Developers, Inc. in the public right-of-way, proof of insurance naming the City of Elizabeth as additional insured, in the same manner as required in the Encroachment Permit; and

SECTION 4. - That the two (2) year maintenance bond posted by **Tricon Enterprises, Inc.** be released upon completion of the building demolition, satisfactory site inspection by the City Engineer and receipt of a new two (2) year maintenance bond from **CMT Developers, Inc.**

SECTION 5. - All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

SECTION 6. - 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 7. - 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: 4/25/17



CARLOS L. TORRES
PRESIDENT OF CITY COUNCIL

APPROVED: 4-26-17



J. CHRISTIAN BOLLWAGE
MAYOR

ATTEST:



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