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JAN 23 2009

MAURICE J. GALLIPOLI, J.S.C.

212 MARIN BOULEVARD, LLC,
247 MANILA AVENUE, LLC,
280 ERIE STREET, LLC,
317 JERSEY AVENUE, LLC,
354 COLE STREET, LLC,
389 MONMOUTH STREET, LLC,

Plaintiffs,

v.

HISTORIC PRESERVATION
COMMISSION OF THE CITY OF
JERSEY CITY and THE CITY OF
JERSEY CITY,

Defendant.

SUPERIOR COURT OF NEW JERSEY
HUDSON COUNTY
LAW DIVISION
DOCKET NO. L-2451-08

Civil Action

CONSENT ORDER REMANDING
APPLICATION TO THE HISTORIC
PRESERVATION COMMISSION

THIS MATTER having been opened to the court by Michele R. Donato, Esq., attorney for Plaintiffs, 212 Marin Boulevard, LLC, 247 Manila Avenue, LLC, 280 Erie Street, LLC, 317 Jersey Avenue, LLC, 354 Cole Street, LLC, and 389 Monmouth Street, LLC, (hereinafter referred to as "Plaintiffs") and John J. Curley, Esq., attorney for Defendants, Historic Preservation Commission of the City of Jersey City and The City of Jersey City, (hereinafter referred to as "Defendants") and the Court having reviewed the terms of the settlement of this matter as

hereinafter set forth, and for good cause shown, the Court executes this Consent Order; and

WHEREAS, the Plaintiffs and Defendants have agreed to the following terms:

1. The applications for certificates of appropriateness for the Plaintiffs shall be remanded to the Jersey City Historic Preservation Commission for decisions on the merits of the applications for demolition permits and for hardship exemptions in accordance with the Municipal Land Use Law and the Jersey City Land Use Ordinance.

2. The applications shall be heard at a special meeting of the Historic Preservation Commission on February 9, 2009. If the applications are not completed at that meeting, the applications shall be decided, and a resolution shall be adopted, no later than March 23, 2009.

3. The Historic Preservation Commission shall provide a full and fair hearing on the applications for certificates of appropriateness.

4. The City of Jersey City, Corporation Counsel, and the Historic Preservation Commission shall not consider any issues within the jurisdiction of the Surface Transportation Board as stated in the oral decision of Stanley R. Chesler, U.S.D.J. in 212 Marin Boulevard, LLC, et al. v. Historic Preservation Commission of the City of Jersey City, et al., Case No.

2:2008cv03358 dated October 8, 2008, the validity of title, the ownership of Plaintiffs' property and the possible condemnation of Plaintiffs' property.

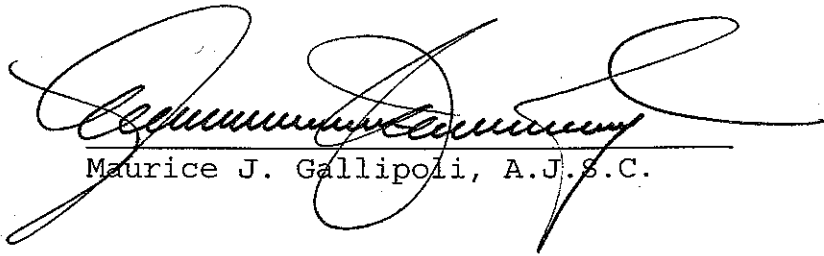
5. The decision of the Historic Preservation Commission shall not be based on any issues within the jurisdiction of the Surface Transportation Board as stated in the decision of Stanley R. Chesler, U.S.D.J. in 212 Marin Boulevard, LLC, et al. v. Historic Preservation Commission of the City of Jersey City, et al., Case No. 2:2008cv03358 dated October 8, 2008, the validity of title, the ownership of Plaintiffs' property or the possible condemnation of Plaintiffs' property, but shall be based on legitimate historic preservation considerations as set forth in the Land Use Ordinance of the City of Jersey City.

6. The Historic Preservation Commission shall have the right to condition this approval upon the receipt of necessary approvals from the Surface Transportation Board.

7. In the event that the Historic Preservation Commission does not render a decision as set forth in this Consent Order, Plaintiffs shall have the right to apply to the Court for a default approval of the applications pursuant to N.J.S.A.

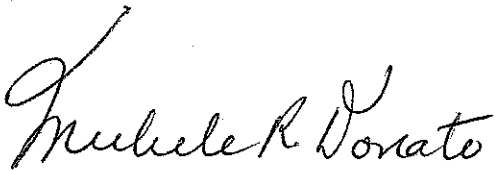
40:55D-10.4. ~~If the Historic Preservation Commission refuses to hear the application contrary to this Order, then Plaintiffs shall be entitled to a default approval~~

8. The Court shall retain jurisdiction.



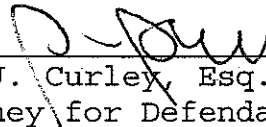
Maurice J. Gallipoli, A.J.S.C.

The following, by execution of this Consent Order, enter the consent of their respective clients to its form and content and represent that they do so upon proper authorization.



Michele R. Donato, Esq.
Attorney for Plaintiffs

Dated: 1/23/09



John J. Curley, Esq.
Attorney for Defendants

Dated: