

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE # 22/22

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF PRIVATE PROPERTY
LOCATED AT 5712 BERGENLINE AVENUE AND 5714-5718 BERGENLINE AVENUE,
FOR PUBLIC PURPOSES, AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Town of West New York (the "Town") wishes to obtain the private properties located at 5712 Bergenline Avenue and 5714-5718 Bergenline Avenue, also known as Block 71, Lots 3 and a portion of Block 71, Lot 2, respectively, which are necessary for public purposes; and

WHEREAS, the Town has engaged an appraiser and has/will make an offer to the property owner(s) for the purchase of the aforesaid properties, in accordance with statutory requirements; and

WHEREAS, by separate funding devices, the Town has appropriated the sum of \$6,510,000 for Block 71, Lots 3 and a portion of Block 71, Lot 2, which represents the estimated compensation for the acquisition; and

WHEREAS, in the event the offer of compensation is not acceptable, it will be necessary for the Town to initiate condemnation proceedings; and

WHEREAS, the Board of Commissioners of the Town of West New York is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/ eminent domain as long as just compensation is paid for the same;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of West New York in the County of Hudson, State of New Jersey, as follows:

Section 1. The Board of Commissioners does hereby determine that it is necessary to acquire the properties located at 5712 Bergenline Avenue and 5714-5718 Bergenline Avenue, also known as Block 71, Lots 3 and a portion of Block 71, Lot 2, respectively, for public use and purposes.

Section 2. The Board of Commissioners hereby authorizes the acquisition of the properties, located at 5712 Bergenline Avenue and 5714-5718 Bergenline Avenue, also known as Block 71, Lots 3 and a portion of Block 71, Lot 2, respectively, by condemnation for the purpose of relocating the municipal library and offices.

Section 3. The Town is hereby authorized to institute proceedings pursuant to the provisions of the Eminent Domain Act, N.J.S.A. 20:3-1, et seq., for the purposes of acquiring title to the properties described herein as Block 71, Lots 3 and a portion of Block 71, Lot 2.

Section 4. The estimated total compensation of \$6,510,000 to be paid for the acquisition of the properties, as described herein, is available by virtue of a separate funding or within the budget adopted by the Town. In accordance with the provisions of N.J.S.A. 20:3-18, the estimated compensation for the taking of private property, if rejected by the property owner, shall be deposited by the Town with the Clerk of the Superior Court upon the filing of any Declaration of Taking, pursuant to N.J.S.A. 20:3-17.

Section 5. The Mayor and/or Municipal Administrator, be and they are hereby authorized and directed to execute the appropriate Verified Complaint, Declaration of Taking and such other documents that may be necessary in order to institute condemnation proceedings and seek a determination by the Court that the Town is duly empowered with the authority to acquire the properties described herein for public use and purposes.

Section 6. If any article, section, sub-section, sentence, clause or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

Section 7. All other parts, portions and provisions of the Town Code be and the same are hereby ratified and confirmed, except where inconsistency with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 8. This Ordinance shall take effect upon passage and publication as required by law.

Introduced: September 7, 2022

Adopted: September 28, 2022

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **September 28, 2022** and at said date was duly and finally adopted after public hearing thereon.

Adelanny Plaza, RMC
Town Clerk

Commissioner Victor M. Barrera

Commissioner Cosmo A. Cirillo, PhD.

Commissioner Margarita A. Guzman

Commissioner Yoleisy Yanez

Mayor Gabriel Rodriguez
BOARD OF COMMISSIONERS

Attest: _____
Adelanny Plaza, RMC
Town Clerk