

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

ORDINANCE #1/24

**ORDINANCE TO AMEND ORDINANCE # 22/22 AUTHORIZING THE ACQUISITION
OF PRIVATE PROPERTY**

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, Lot 3 and a portion of Block 71, Lot 2, respectively, which are necessary for public purposes; and

WHEREAS, on September 28, 2022, the Town adopted Ordinance #22/22 authorizing the acquisition of Block 71, Lot 3 and a portion of Block 71, Lot 2 by separate funding devices, for a total sum of \$6,510,000.00; and

WHEREAS, the Town seeks to amend Ordinance #22/22 to increase the sum appropriated for the acquisition of Block 71, Lot 3 and a portion of Block 71, Lot 2, from \$6,510,000.00 to \$11,000,000.00 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 that the Board of Commissioners of the Town of West New York in the County of Hudson, State of New Jersey, do hereby amend Ordinance #22/22 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, Lot 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, Lot 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, if the offer of compensation is not acceptable.

Section 4. The estimated total compensation of \$11,000,000.00 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 to acquire the properties described herein, 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 condemnation proceedings are unnecessary, the Mayor and/or Municipal Administrator, be and they are hereby authorized to execute a contract for sale of the property for a total compensation amount of \$11,000,000.00, in a form acceptable to corporation counsel.

Section 7. 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 8. All other parts, portions and provisions of the Town Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 9. This Ordinance shall take effect upon passage and publication as required by law.

Introduced: January 17, 2024

Adopted: February 7, 2024

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 **February 7, 2024** and at said date was duly and finally adopted after public hearing thereon.

Adelinny Plaza, RMC
Town Clerk

Commissioner Marcos A. Arroyo

Commissioner Victor M. Barrera

Commissioner Marielka A. Diaz

Commissioner Adam W. Parkinson

Mayor Albio Sires

Board of Commissioners

Attest:

Adelinny Plaza, RMC
Town Clerk