

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

ORDINANCE #36/24

**ORDINANCE AUTHORIZING THE ACQUISITION OF PRIVATE PROPERTY
LOCATED AT 5715 MADISON STREET, BLOCK 126, LOT 29, WEST NEW YORK, NJ
07093, FOR PUBLIC PURPOSES, AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Town of West New York (the “Town”) seeks to acquire the private property located at 5715 Madison Street, also known as Block 126, Lot 29, which is necessary for public purposes; and

WHEREAS, the Town seeks to authorize the acquisition of 5715 Madison Street, Block 126, Lot 29, West New York, NJ, 07093, by eminent domain, for a total appropriated sum in the amount of \$750,000.00, which represents the market value of the property; 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 authorize as follows:

Section 1. The Board of Commissioners does hereby determine that it is necessary to acquire the property located at 5715 Madison Street, Block 126, Lot 29, West New York, NJ 07093, for public use and purposes.

Section 2. The Board of Commissioners hereby authorizes the acquisition of the property located at 5715 Madison Street, Block 126, Lot 29, West New York, NJ 07093, by condemnation for public use and purposes.

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 property described herein as Block 126, Lot 29.

Section 4. The estimated total compensation shall be \$750,000.00 to be paid for the acquisition of the property, 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 property 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 inconsistent 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.

SUMMARY OF ORDINANCE

This Ordinance authorizes the Town of West New York to acquire the property located at 5715 Madison Street, Block 126, Lot 29, West New York, NJ 07093, pursuant to the provisions of the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.

Introduced: September 18, 2024

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 18, 2024** and ordered published, for consideration before final passage at a public hearing on **October 16, 2024 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org/>. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.