

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

Introduced: June 17, 2014

Adopted: July 1, 2014

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 1st day of July, 2014. A copy of Ordinance 1487-14 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

ORDINANCE 1487-14

AN ORDINANCE OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF EASEMENTS OVER AND THROUGH VARIOUS BLOCKS AND LOTS ON THE OFFICIAL TAX MAP OF THE BOROUGH OF EMERSON LOCATED ALONG KINDERKAMACK ROAD FOR ROADWAY IMPROVEMENTS.

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough of Emerson ("Borough") is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Borough of Emerson has the power to acquire any real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain.

WHEREAS, the County of Bergen is undertaking Roadway Improvements to Kinderkamack Road (the "Project") which requires the Borough to acquire the necessary interests in the properties affected by the roadway improvements; and

WHEREAS, the Project requires various off-tract roadway improvements to be constructed which will improve traffic flow within the Project and within the Borough (the "Improvements"); and

WHEREAS, the Borough of Emerson has previously adopted Ordinances number 135-06 and 1394-10 implementing and reaffirming the 2006 CBD Redevelopment Plan which contemplated and authorized improvements to Kinderkamack Road; and

WHEREAS, in order to undertake such Improvements, it is necessary that the Borough acquire easements on, over and through various Blocks and Lots on the Official Tax Map of the Borough of Emerson, Bergen County, New Jersey, located along Kinderkamack Road (the "Easements") as follows:

Block 201, Lot 1
Block 412, Lot 3
Block 419, Lot 4
Block 419, Lot 6.01
Block 419, Lot 6.02
Block 419, Lot 9
Block 419, Lot 9
Block 419, Lot 9
Block 419, Lot 8
Block 419, Lot 8
Block 419, Lot 8
Block 420, Lot 2
Block 420, Lot 16
Block 420, Lot 16
Block 422, Lot 1
Block 422, Lot 13
Block 422, Lot 14-15
Block 422, Lot 16
Block 422, Lot 17
Block 422, Lot 18
Block 422, Lot 18
Block 606, Lot 4
Block 610, Lot 1
Block 610, Lot 1
Block 610, Lot 2
Block 615, Lot 1
Block 616, Lot 1
Block 616, Lot 1
Block 412, Lot 4
Block 412, Lot 5
Block 419, Lot 5
Block 422, Lot 9
Block 616, Lot 2 and
Block 616, Lot 3

WHEREAS, the Borough Council of the Borough of Emerson has determined that the contemplated Improvements would improve the traffic flow throughout the Borough, and would serve a public purpose and be to the benefit of the health, welfare and safety of the Borough's citizens for the Borough to acquire the Property(s) and/or any interests therein.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Emerson, County of Bergen and State of New Jersey being the governing body thereof that:

1. The Borough of Emerson's acquisition by negotiation and/or by the exercise of its power of eminent domain of certain lands and/or interests in and to such lands located along Kinderkamack Road and identified on the official tax map of the Borough of Emerson as:

Block 201, Lot 1
Block 412, Lot 3
Block 419, Lot 4
Block 419, Lot 6.01
Block 419, Lot 6.02
Block 419, Lot 9
Block 419, Lot 9
Block 419, Lot 9
Block 419, Lot 8
Block 419, Lot 8
Block 420, Lot 2
Block 420, Lot 16
Block 420, Lot 16
Block 422, Lot 1
Block 422, Lot 13
Block 422, Lot 14-15
Block 422, Lot 16
Block 422, Lot 17
Block 422, Lot 18
Block 422, Lot 18
Block 606, Lot 4
Block 610, Lot 1
Block 610, Lot 1
Block 610, Lot 2
Block 615, Lot 1
Block 616, Lot 1
Block 616, Lot 1
Block 412, Lot 4
Block 412, Lot 5
Block 419, Lot 5
Block 422, Lot 9
Block 616, Lot 2 and
Block 616, Lot 3

for the purposes described hereinabove be and is hereby authorized and approved.

2. The Borough of Emerson shall pay the fair market value for the acquisition of the Easements and/or any property interests thereto, which value shall be determined by appraisal reports prepared on behalf of the Borough by a recognized and qualified appraiser; and

3. The Borough Attorney and the Borough Business Administrator are hereby authorized to take any and all actions necessary to acquire the Easements and/or any interests thereto, either through negotiation or the exercise of the Borough's powers of eminent domain; and

4. The Mayor and Borough Clerk are hereby authorized to execute and witness any documents or instruments necessary to acquire the Easements and/or any property interests to the properties.

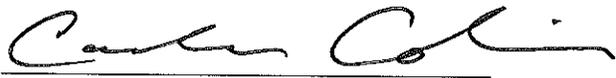
BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

TITLE

This Ordinance shall be known and may be cited as the authorizing the acquisition of easements over and through various blocks and lots on the official tax map of the Borough of Emerson located along Kinderkamack Road for roadway improvements.



Carlos Colina
Mayor

Attest:


Jane Dietsche, RMC
Deputy Clerk

Introduced: 6/17/14

Adopted: 7/1/14