BOROUGH OF EMERSON
COUNTY OF BERGEN

NOTICE OF ADOPTION

ORDINANCE NO. 1564-18

Introduced: July 17, 2018

Adopted: August 14, 2018

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 14th day of August, 2018. A copy of Ordinance 1564-18 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

AN ORDINANCE OF THE BOROUGH OF EMERSON, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION OF EASEMENTS OVER AND THROUGH VARIOUS LOTS LOCATED IN BLOCK 101 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF EMERSON LOCATED ALONG VIVIAN AVENUE FOR DRAINAGE 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, both the Borough of Emerson received grant funding from the State of New Jersey, Department of Transportation to finally solve decades old drainage and flooding issues; and

WHEREAS, the Borough of Emerson is undertaking Drainage Improvements along Vivian Avenue (the "Project") which requires the Borough to acquire the necessary interests in the properties affected by the drainage improvements; and

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

WHEREAS, the Borough of Emerson previously adopted Resolutions number 103-18 and 180-18 authorizing Boswell Engineering to prepare the plans and specifications for the Project, and Resolution number 180-18 amending the timeline and funding of the professional services previously authorized; and

WHEREAS, in order to undertake such Improvements, it is necessary that the Borough acquire easements on, over and through various certain Lots in Block 101 on the Official Tax Map of the Borough of Emerson, Bergen County, New Jersey, located along Kinderkamack Road (the "Easements") as follows:

Block 101, Lot 13
Block 101, Lot 14

WHEREAS, the Borough Council of the Borough of Emerson has determined that the contemplated Improvements would improve the drainage 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 Vivian Avenue and identified on the official tax map of the Borough of Emerson as:

Block 101, Lot 13
Block 101, Lot 14

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 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.

Attest:

Jane Dietsche, RMC
Clerk

Louis Lamatina
Mayor

2366335

COUNCIL	MOVED	SECONDED	AYES	NAYES	ABSENT	ABSTAIN
DiPaola			X			
Bayley					X	
Wolf			X			
Knoller	X		X			
Falotico		X	X			
Downing			X			

I hereby certify that the above Ordinance was duly adopted by the Borough of Emerson at a meeting held on August 14, 2018.

Attest:

Municipal Clerk

2366335