

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

ORDINANCE NO. 1575-18

Introduced: December 4, 2018

Adopted: December 18, 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 18th day of December, 2018. A copy of Ordinance 1575-18 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE DEDICATING BLOCK 419, LOT 7 IN THE BOROUGH OF
EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY AND
CONVEYING SUCH LAND TO EMERSON REDEVELOPER'S URBAN
RENEWAL, LLC**

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(c) a municipality may convey municipally owned lands by private sale to a private developer, when acting in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.("LRHL"), without public bidding; and,

WHEREAS, pursuant to N.J.S.A. 40A:12-5, a municipality has the power to sell any real property for a public purpose through negotiated agreement; and,

WHEREAS, the Borough entered a Redevelopment Agreement with Emerson Redevelopers Urban Renewal, LLC ("Redeveloper") on June 14, 2016 and a First Amendment to the Redevelopment Agreement on October 4, 2016 (collectively referred to as the "Agreement") to fulfill the public purpose of redevelopment of an area in accordance with the LRHL; and,

WHEREAS, pursuant to Section 4.04 of the Agreement, the Borough agreed to dedicate and transfer Block 419, Lot 7 (as more fully described in the metes and bounds description in Exhibit A attached hereto and made a part hereof) (hereinafter referred to as the "Property") owned by the municipality in accordance with the terms set forth in the Agreement to the Redeveloper for the construction and completion of the redevelopment project as set forth in the Agreement; and,

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Emerson, County of Bergen, State of New Jersey that Block 419, Lot 7 as more fully described in the attached **Exhibit A** be and is hereby dedicated and conveyed to Emerson Redevelopers Urban Renewal, LLC, subject to full, final, and unappealable site plan approval and the construction and completion of the project as set forth in the Agreement; and,

BE IT FURTHER ORDAINED, that if Emerson Redevelopers Urban Renewal, LLC at anytime breaches the Agreement, if final unappealable site plan is not approved and/or if the project is not constructed in accordance with the Agreement then the Property shall immediately revert back to the Borough;

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BE IT FURTHER ORDAINED, that the Mayor and Borough Clerk are hereby authorized and directed to take any necessary action and/or execute any documents which may be required to effectuate the dedication and conveyance of the Property, including but not limited to the recording of a map pursuant to the New Jersey Map Filing Law and/or any other applicable provisions;

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
 Borough Clerk


 Louis J. Lamatina
 Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
DiPaola				X		
Bayley			X			
Wolf			X			
Knoller	X		X			
Falotico					X	
Downing		X	X			

I hereby certify that the above Ordinance 1575-18 was duly adopted by the Borough of Emerson at a meeting held on December 18, 2018.

Attest: 
 Municipal Clerk

EXHIBIT A
LEGAL DESCRIPTION

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Emerson, County of Bergen, State of New Jersey.

BEING known and designated as Lot s 19, 20, 21, 22, 23, 24 and 25 in Block V, as shown on a certain map entitled "Emewood Heights, Hasbrouck Building Co., Development, Borough of Emerson & Westwood, Bergen Co., N. J." N, duly filed in the Office of the Clerk of Bergen County on February 15, 1929 as Map # 2371.

NOTE FOR INFORMATION: Being Lot(s) 7, Block 419, Tax Map of the Borough of Emerson, County of Bergen.