

BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION
ORDINANCE NO 1625-21

Introduced: February 2, 2021

Adopted: February 16, 2021

AN ORDINANCE AUTHORIZING THE BOROUGH TO ACQUIRE A LEASEHOLD INTEREST AT 182 KINDERKAMACK ROAD, EMERSON NEW JERSEY (BLOCK 419, LOT 8) PURSUANT TO THE EMERSON REDEVELOPMENT PLAN AND TO CONVEY SAID LEASEHOLD TO EMERSON REDEVELOPERS URBAN RENEWAL, LLC UPON ACQUISITION BY THE BOROUGH OF EMERSON, PURSUANT TO THE REDEVELOPMENT AGREEMENT WITH EMERSON REDEVELOPERS URBAN RENEWAL, LLC

WHEREAS, the Borough of Emerson, (the "Borough"), in the County of Bergen, State of New Jersey, has determined that there is a need within the Borough to acquire property necessary for the purpose of redevelopment within the Borough; and

WHEREAS, on July 1, 2006, the Borough Council of the Borough of Emerson adopted Ordinance No. 1305-06 adopting and implementing a redevelopment plan ("Plan") which has been amended from time to time; and

WHEREAS, on June 14, 2016, the Borough Council of the Borough of Emerson entered into a redevelopment agreement with Emerson Redevelopers Urban Renewal, LLC for the redevelopment of certain areas located within the Central Business District for a mixed use project which has been amended from time to time; and

WHEREAS, pursuant to Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, Eminent Domain Act, 20:3-1 et seq. and other statutes, the Borough is authorized to acquire and convey property in furtherance of its redevelopment projects or public projects; and

WHEREAS, the Borough has determined that it is necessary to acquire a leasehold interest known as 182 Kinderkamack Road in the lands and premises hereinafter described for the public purpose of redevelopment of the Emerson Central Business District located on Block 419, Lot 8 as shown on the official tax map of the Borough of Emerson ("Property"); and

WHEREAS, Emerson Redevelopers Urban Renewal, LLC retained Star Mark Appraisals to conduct an appraisal of the Property, who determined the fair market value of said Property to be \$0.00, as the current lease on the Property is above market; and

WHEREAS, the acquisition of the identified leasehold interest is required and necessary for the redevelopment of the Emerson Central Business District Redevelopment Area; and

WHEREAS, the Borough will hereafter be required to execute various documents related to the acquisition of the property or will be required to institute Eminent Domain proceedings in the appropriate court.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF EMERSON, NEW JERSEY, THAT:

Section 1. The Borough hereby authorizes the acquisition of the leasehold known as 182 Kinderkamack Road, identified as Block 419 Lot 8 within the Borough of Emerson, for a sum to be authorized by resolution, by purchase, gift, condemnation or otherwise for the Purpose of Redevelopment of the Emerson Central Business District.

Section 2. The Mayor and/or Borough Administrator and Borough Clerk, as may be required, are authorized to execute any documents necessary to effectuate the acquisition of the property, including any documents that may be required for the institution of Eminent Domain proceedings, the form of which documents are conditioned upon the final review and approval of the Borough Attorney and or Borough Redevelopment Counsel.

Section 3. Upon acquisition, the Borough hereby authorizes the acquired leasehold to be conveyed to Emerson Redevelopers Urban Renewal, LLC.

Section 4. The Mayor and/or Borough Administrator and Borough Clerk are each hereby authorized to execute and deliver any and all documents and certificates necessary or convenient in connection with the transactions authorized herein, including, without limitation, an affidavit of title, a closing statement and a continuing disclosure statement.

Section 5. The Mayor and/or Borough Administrator and Borough Clerk shall place on file in the Office of the Borough Clerk a copy of the executed documents and certificates necessary or convenient in connection with the transactions authorized herein, including, without limitation, an affidavit of title, a closing statement and a continuing disclosure agreement and all such other executed agreements authorized by this ordinance.

Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect after final adoption and publication according with the laws of the State of New Jersey.

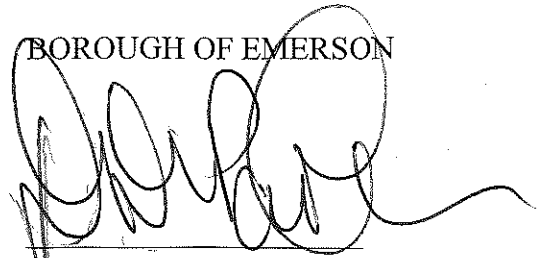
ATTEST:



Jane Dietsche

JANE DIETSCHÉ, RMC
BOROUGH CLERK

BOROUGH OF EMERSON



Danielle DiPaola

DANIELLE DIPAOLO
MAYOR