

**BOROUGH OF EMERSON  
COUNTY OF BERGEN, NEW JERSEY  
RESOLUTION No: 305-17**

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**RE: RESOLUTION AUTHORIZING THE PREPARATION OF APPRAISAL REPORTS AND PROFESSIONAL APPRAISAL SERVICES FROM ROBERT MCNERNEY FOR THE FOLLOWING PROPERTIES (the “Properties”):**

1. Block 419, Lots 2 (15 Lincoln Blvd)
2. Block 419, Lot 3 (9 Lincoln Blvd)
3. Block 419, Lot 4 (214 Kinderkamack Rd); and
4. Block 419, Lot 6.01 (190 Kinderkamack)

**WHEREAS**, the Borough of Emerson entered into a certain Redevelopment Agreement (the “RDA”) with Emerson Redevelopers Urban Renewal, LLC (the “Redeveloper”) for a redevelopment project (the “Project”) which required the Redeveloper to acquire certain properties including the Properties referenced above (1-4);

**WHEREAS**, the Redeveloper has acquired (or acquired the right to purchase) all of the properties with the exception of the Properties referenced hereinabove (1-4);

**WHEREAS**, the Redeveloper requires the Properties in order to commence the Project;

**WHEREAS**, the RDA requires the following from the Borough in the event the Redeveloper is unable to secure all of the properties:

*“the Redeveloper shall request that the Borough assist it in purchasing such or acquiring such properties as permitted under N.J.S.A. 40A:12A-8(c). The Redeveloper shall pay and reimburse the Borough for any and all costs it may incur in assisting the Redeveloper in purchasing or acquiring such properties. The Borough shall adopt the necessary Ordinances to vacate Kenneth Avenue within sixty (60) days from the date the Redeveloper obtains Governmental Approvals.”*

**WHEREAS**, the RDA was amended and supplemented as follows:

*“In the event the Redeveloper is not able to purchase any property set forth in Exhibit A the Redeveloper shall request that the Borough assist it in purchasing such or acquiring such properties as permitted under N.J.S.A. 40A:12A-8(c) [, N.J.S.A. 20:3-1 et al., N.J.S.A. 52:27D-301 et al. and/or any other laws authorizing the Borough to acquire such properties.] The Redeveloper shall pay and reimburse the Borough for any and all costs it may incur in assisting the Redeveloper in purchasing or acquiring such properties.”*

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**WHEREAS**, in addition, the Governing Body in an effort to satisfy its Constitutionally mandated Affordable Housing obligation, has included the Project in its settlement with Fair Share Housing Corporation (“FSHC”) which settlement has been approved by the FSHC, Special Master Mary Beth Lonergan and such settlement is scheduled for a fairness hearing on January 24, 2018; and

**WHEREAS**, the Borough will be required to exercise all of its lawful authority to complete the Project, as part of its settlement with FSHC, including acquiring properties as permitted pursuant to the Fair Housing Act N.J.S.A. 52:27D-301.

**WHEREAS**, the Redeveloper has asked that Emerson provide assistance in the acquisition of the Properties;

**WHEREAS**, the Borough must first engage in bona fide negotiations to purchase the property at its fair market value;

**WHEREAS**, the Borough, in order to provide such assistance and comply with its duties and obligations under the RDA and settlement agreement with FSHC will require the services of a professional appraiser to provide an appraisal report on each of the Properties;

**WHEREAS**, the Borough, if unable to reach a negotiated agreement, is authorized to acquire the property by eminent domain if it deems necessary for its public purpose.

**WHEREAS**, the Borough has previously used and qualified the appraisal services of Robert McNerney, MAI, SRA, CRE of McNerney & Associates, 266 Harristown Road, P.O. Box 67, Glen Rock, New Jersey (“McNerney”);

**WHEREAS**, the Borough has obtained from McNerney a cost to prepare the appraisal reports for all of the Properties in an amount not to exceed \$7,500 and an hourly rate of \$100 for other work Emerson may required concerning the acquisition of the Properties;

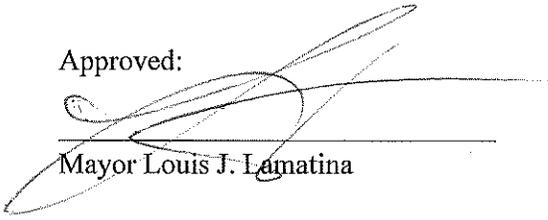
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Emerson that the Borough Administrator is hereby authorized to retain the services of McNerney to prepare appraisal reports and the Borough Attorney and Redevelopment Attorney Douglas F. Doyle are further authorized to negotiate a contract not to exceed \$7,500.00 for professional services relating to the preparation of appraisal reports for:

1. Block 419, Lot 2 (15 Lincoln Blvd);
2. Block 419, Lot 3 (9 Lincoln Blvd);
3. Block 419, Lot 4 (214 Kinderkamack Rd); and
4. Block 419, Lot 6.01 (190 Kinderkamack).

**BE IT FURTHER RESOLVED**, that upon the receipt of the appraisal reports for the Properties, the Borough Attorney and Redevelopment Attorney are hereby authorized to engage in bona fide negotiations for the acquisition of the Properties with the assistance of McNerney at an hourly rate for Mr. McNerney of \$100.

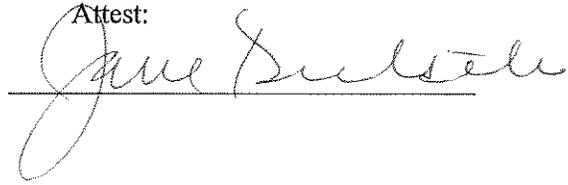
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Approved:



Mayor Louis J. Lamatina

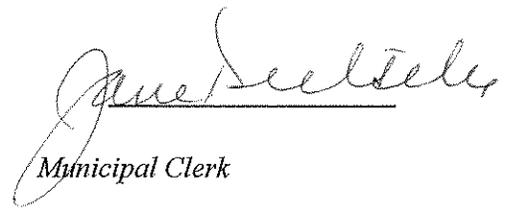
Attest:



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		
Falotico	X		X			
Lazar		X	X			
Knoller			X			
Downing			X			
Worthington						X

*I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on December 19, 2017.*

Attest:



Municipal Clerk