

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION No: 95-18**

RE: AUTHORIZATION OF PRELIMINARY ENVIRONMENTAL ASSESSMENTS OF BLOCK 419, LOTS 2, 3, 4 AND 6.01 IN AN AMOUNT NOT TO EXCEED \$11,500.00 INCLUDING EDR SUBCONTRACTOR TESTING COSTS

WHEREAS, it is necessary, useful and essential, as a matter of public necessity, welfare, interest and convenience that certain properties be purchased or acquired by the Borough of Emerson (“Borough”) for public purposes, which properties are designated as Block 419, Lots 2 located at 15 Lincoln Blvd., Block 419, Lot 3 located at 9 Lincoln Blvd., Block 419, Lot 4 located at 214 Kinderkamack Rd, and Block 419, and Lot 6.01 located at 190 Kinderkamack Rd. in the Borough of Emerson, County of Bergen, State of New Jersey (hereinafter collectively referred to as the “Properties”); and

WHEREAS, pursuant to the New Jersey Local Redevelopment Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) and/or the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”), the Borough has the power to acquire property by eminent domain in accordance with the Eminent Domain Act, N.J.S.A. 20:3-1 et seq. (“EDA”), for the purpose of implementing the Borough’s Redevelopment Plan and in compliance with the Borough’s Constitutionally mandated obligation to provide for affordable housing; and

WHEREAS, the Borough entered into a Redevelopment Agreement (the “RDA”) with Emerson Redevelopers Urban Renewal, LLC (the “Redeveloper”) for a redevelopment project (the “Project”) which required the Redeveloper and/or the Borough to acquire certain properties, including the subject Properties;

WHEREAS, in addition, the Borough in an effort to satisfy its Constitutionally mandated affordable housing obligation, has included the Project in its settlement with Fair Share Housing Center (“FSHC”) which settlement has been approved by the FSHC and Special Master Mary Beth Lonergan and which shall be further considered by the Court at the continuation of the fairness hearing scheduled for March 23, 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 that are necessary or useful for the provision of affordable housing as permitted pursuant to the FHA and the EDA; and

WHEREAS, to ensure that the Borough complies with the EDA, the Borough is required to prepare a purchase offer to property owners and/or persons of interest that reflects the estimated fair market value of each of the subject Properties; and

WHEREAS, the Borough has retained the professional services of McNerney and Associates (“Appraiser”) to appraise the Properties, which was authorized by the Borough pursuant to Resolution No. 305-17; and

WHEREAS, Environmental Assessments are also required in conjunction with the proper valuing of the Properties by the Appraiser; and

WHEREAS, Boswell Engineering, the Borough Engineer, submitted a proposal for professional services dated February 7, 2018 to perform the required Environmental Assessments; and

WHEREAS, the Borough will be reimbursed for expenses incurred for these Environmental Assessments from the Redeveloper's escrow account;

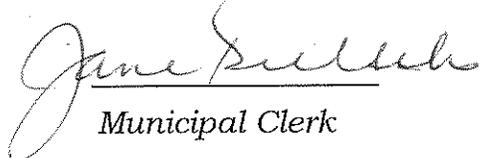
NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Emerson authorize the actions recommended and taken by the Borough's Special Redevelopment Counsel to meet the statutory requirements of the FHA and EDA.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Emerson authorize Boswell Engineering to perform the preliminary environmental assessments of the Properties as set forth in the February 7, 2018 proposal.

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		X			
Downing			X			

I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on February 20, 2018.

Attest:


Municipal Clerk