

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #17/23

ORDINANCE AMENDING ORDINANCE #22/22

WHEREAS, the Town of West New York (the “Town”) wishes to acquire the private properties located at 5700-5716 Bergenline Avenue, also known as Block 71 lots 1.02, 2 and 3, which are necessary for public purposes (the “Property”); and

WHEREAS, the Town previously authorized an appropriated the sum of \$6,510,000.00, to be utilized as the estimated compensation to the Property for public purposes; and

WHEREAS, the Town has procured an amended appraisal for the subject Properties and seeks to authorize an increase in the compensation offered to the property owner(s) for the purchase of 5700-5716 Bergenline Avenue in accordance with statutory requirements; and

WHEREAS, the Town seeks to increase the authorized sum to the amount of \$8,700,000.00 to be consistent with the Town’s amended appraisal for the Property; and

WHEREAS, in the event the amended offer of compensation is not acceptable, it will be necessary for the Town to initiate condemnation proceedings for the acquisition; and

WHEREAS, the Mayor and the Board of Commissioners of the Town of West New York are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or by any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain provided just compensation is paid for the same.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, as follows

SECTION 1

The Board of Commissioners does hereby determine that it is necessary to acquire the properties located at 5700-5716 Bergenline Avenue, also known as Block 71 lots 1.02, 2 and 3, for public use and purposes.

SECTION 2

The Board of Commissioners hereby authorizes the acquisition of the properties located at 5712 Bergenline Avenue and 5700-5716 Bergenline Avenue, also known as Block 71 lots 1.02, 2 and 3, by condemnation for the purpose of relocating the municipal library and offices.

SECTION 3

The Town is hereby authorized to institute proceedings pursuant to the provisions of the Eminent Domain Act, N.J.S.A. 20:3-1, et seq., for the purposes of acquiring title to the properties located at 5700-5716 Bergenline Avenue, also known as Block 71 lots 1.02, 2 and 3.

SECTION 4

The estimated amended total compensation of \$8,700,000 to be paid for the acquisition of the properties, as described herein, is available by virtue of a separate funding or within the budget adopted by the Town. In accordance with the provisions of N.J.S.A. 20:3-18, the estimated compensation for the taking of private property, if rejected by the property owner, shall be deposited by the Town with the Clerk of the Superior Court upon the filing of any Declaration of Taking, pursuant to N.J.S.A. 20:3-17.

SECTION 5

The Mayor and/or Municipal Administrator, be and they are hereby authorized and directed to execute the appropriate Verified Complaint, Amended Complaint, Declaration of Taking and such other documents that may be necessary in order to institute condemnation proceedings and seek a determination by the Court that the Town is duly empowered with the authority to acquire the properties described herein for public use and purposes.

SECTION 6

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 7

All other parts, portions and provisions of the Town Code be and the same are hereby ratified and confirmed, except where inconsistency with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 8

This Ordinance shall take effect upon passage and publication as required by law.

Introduced: 9/20/2023

Adopted: 10/11/2023

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **October 11, 2023** and at said date was duly and finally adopted after public hearing thereon.

Adelanny Plaza, RMC
Town Clerk

Commissioner Marcos A. Arroyo

Commissioner Victor M. Barrera

Commissioner Marielka A. Diaz

Commissioner Adam W. Parkinson

Mayor Albio Sires
Board of Commissioners

Attest: _____
Adelanny Plaza, RMC
Town Clerk