

ORDINANCE NO. 2023-014

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE
BOROUGH OF EDGEWATER AUTHORIZING THE
ACQUISITION OF THE REAL PROPERTY KNOWN AS
BLOCK 77, LOT 2 ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF EDGEWATER BY PURCHASE OR, IF
NECESSARY, EMINENT DOMAIN**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough of Edgewater (“Borough”) is authorized to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the Borough has the power to acquire real property for a public purpose through a negotiated agreement or by the exercise of its power of eminent domain; and

WHEREAS, the Borough desires to acquire the property located at 606 River Road, Edgewater, New Jersey also known as Block 77, Lot 2 on the official tax map of the Borough (“606 River Road Property”) in order to expand the property of the adjacent future school site; and

WHEREAS, the Borough has determined that it is necessary, beneficial and in the public interest to acquire the 606 River Road Property for public use for the future school; and

WHEREAS, the acquisition of such property will assist the Borough with regard to the building of the future school for the Borough residents; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Edgewater, County of Bergen, State of New Jersey that:

SECTION 1. The Borough of Edgewater be and is hereby authorized to acquire, by negotiation, contract of purchase or, if necessary, by the exercise of its power of eminent domain pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq., certain lands and/or any and all interests in the 606 River Road Property for the purposes described hereinabove or such other public purposes deemed appropriate by the Borough and take such other actions necessary to take title and possession of the 606 River Road Property; and

SECTION 2. The Borough Attorney, any special counsel retained by the Borough, and the Borough Clerk are hereby authorized to hire and employ such appraisers, consultants, and experts as may be appropriate to effectuate such acquisitions, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable

fee for their services; and

SECTION 3. The amount to be offered by the Borough to the record owner of the 606 River Road Property pursuant to N.J.S.A. 20:3-6 shall be fixed by further resolution of the Borough upon receipt and approval of an appraisal reports prepared on behalf of the Borough by a qualified licensed real estate appraiser and which offer shall also address any rights and/or remedies the Borough may have to funds for, and/or recover the costs of, any potential environmental remediation and/or clean-up of the 606 River Road Property in accordance with all applicable laws that have been incurred, or may be incurred in the future, by the Borough due to environmental conditions that may exist on the 606 River Road Property on and/or before the date of vesting of title and possession of the 606 River Road Property in the name of the Borough; and

SECTION 4. The Borough Attorney, any special counsel retained by the Borough, and the Borough Clerk are hereby authorized to take any and all actions necessary to acquire the 606 River Road Property and/or any interests thereto, either through negotiation or, if necessary, the exercise of the Borough's power of eminent domain; and

SECTION 5. The Mayor and Borough Clerk are hereby authorized to execute and witness any documents or instruments necessary to acquire the 606 River Road Property and/or any interests thereto; and

SECTION 6. If any word, phrase, clause, section or provision of this ordinance shall be adjudged by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect; and

SECTION 7. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance, such ordinances or parts thereof are hereby repealed to the extent of such conflict; and

SECTION 8. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Introduced: November 20, 2023

Adopted: December 18, 2023

ATTEST:

Michael J. McPartland
Mayor

Annamarie O'Connor – RMC
Borough Clerk