

CITY OF PASSAIC
ORDINANCE NO. ~~2430-23~~

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN EASEMENT INTERESTS IN PROPERTIES LOCATED AT 27 FOREST COURT AND 25 FOREST COURT IN THE CITY OF PASSAIC FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, AND OPERATION OF A SANITARY SEWER AND ITS COMPONENTS

WHEREAS, the City of Passaic, pursuant to N.J.S.A. 40A:12-5(a)(1), has the authority to acquire real property by various methods including condemnation; and

WHEREAS, it is necessary and in the best interest of the City of Passaic to acquire certain easement interests in properties located at 27 Forest Court and 25 Forest Court for the purpose of construction, maintenance, and operation of a sanitary sewer and its components.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Passaic, County of Passaic, State of New Jersey, as follows:

Section 1. Authorization to Acquire Property.

The City of Passaic is hereby authorized to acquire by condemnation, in accordance with N.J.S.A. 20:3-1 et seq., the following easement interests:

Permanent and temporary easement interests for the construction, maintenance, and operation of a sanitary sewer and components at:

- (a) 27 Forest Court (utilizing the address 24 Forest Court), City of Passaic, County of Passaic, State of New Jersey, Block 3308 Lot 100 on the Official Tax Map of the City of Passaic and more particularly described in **Exhibit "A"** annexed hereto; and
- (b) 25 Forest Court (utilizing the address 20 Forest Court), City of Passaic, County of Passaic, State of New Jersey, Block 3308 Lot 98 on the Official Tax Map of the City of Passaic and more particularly described in **Exhibit "B"** annexed hereto.

Section 2. Authorization to Execute Documents, Ratification of Prior Actions, and Initiation of Legal Actions.

(a) *Authorization for City Officials:*

The Mayor, Business Administrator, and City Clerk of the City of Passaic are hereby authorized, ratified, and confirmed in any actions previously taken, and further directed to execute and deliver any and all documents, agreements, and instruments necessary to effectuate the acquisition of the aforementioned easement interests and to implement the intent and purpose of this ordinance.

(b) *Authorization and Ratification for Attorneys:*

The attorneys for the City of Passaic are hereby authorized, ratified, and confirmed in any actions previously taken, and further directed to file or cause to be filed any litigation, instruments, or other documentation necessary to effectuate the condemnation and acquisition of the aforementioned easement interests, and to take any and all actions necessary to defend the City's interests in any related legal proceedings.

(c) *Payment into Court and Ratification:*

The City of Passaic is hereby authorized to pay into court the sum of \$30,600.00 pursuant to N.J.S.A. 20:3-18 (Deposit of estimated compensation) based on the appraisals of the easements as prepared by McNerney & Associates, Inc. and file a Declaration of Taking therewith. The timing of such payment into court and filing of Declaration of Taking is per the discretion of the City Attorney. Any such payment previously made in this amount or filed Declaration of Taking is hereby ratified and confirmed.

(d) *Reliance on Appraisals and Ratification:*

The City of Passaic acknowledges, ratifies, and confirms reliance upon any actions previously taken based on the appraisals of the easements, as prepared by McNerney & Associates, Inc., for the purpose of determining the just compensation to be paid for the acquisition of the aforementioned easement interests.

Section 3. Funding.

Any necessary funds required by the City of Passaic for the acquisition of said easement interests shall be made available from the appropriate municipal accounts as determined by City administration.

Section 4. Effective Date.

This ordinance shall take effect immediately upon final passage and publication in accordance with applicable law.

Section 5. Severability.

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. Repealer.

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect upon publication as provided by law.

INTRODUCED BY COUNCILPERSON: Daniel Schwartz

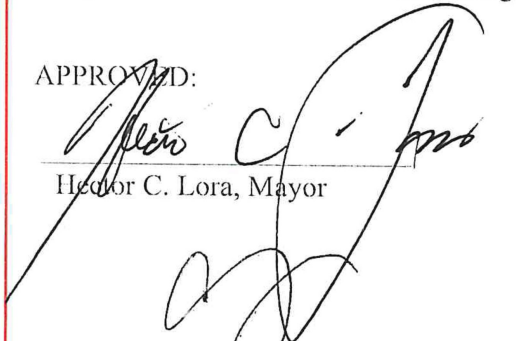
SECONDED BY COUNCILPERSON: Terrence Love

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
GARCIA, J.	x			
MELO, T.	x			
LOVE, T.	x			
MUNK, C.	x			
SCHAER, G.	x			
SCHWARTZ, D.	x			


Adoption of first reading at a meeting of the Council of the City of Passaic, NJ on **December 5, 2023**

Adopted on the second and final reading after the hearing on **December 19, 2023**

APPROVED:



 Hector C. Lora, Mayor



 Gary S. Schaer, Council President

12/19/2023
Date



 Weatherly Frias, City Clerk