

LEGAL NOTICE
ORDINANCE NO. 40
2024
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

**AN ORDINANCE OF THE TOWNSHIP OF WAYNE AUTHORIZING THE
ACQUISITION BY PURCHASE, OR EMINENT DOMAIN IF
NECESSARY, OF REAL PROPERTY AS REFERENCED ON THE
OFFICIAL TAX MAP OF THE TOWNSHIP OF WAYNE, TO PROVIDE
FOR A MULTIPURPOSE COMMUNITY FACILITY FOR PUBLIC USE**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Wayne (hereinafter the "Township") is hereby authorized to adopt an ordinance for the benefit of utilizing property for a public use; and

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

WHEREAS, the real property located at Block 2804, Lot 51, otherwise known as 1 Pike Drive, and commonly known as the Wayne YMCA property, is sought for acquisition in support of the Township of Wayne's desire to provide a multipurpose facility for various community and public benefits, which includes, but is not limited to, recreation, theater, and community club meetings; and

WHEREAS, the Mayor and Township Council of the Township of Wayne, recognizing the need for additional recreation and community facilities for the growing and aging population of the Township, had previously explored the expansion of recreational facilities at Tom's Lake and other investments throughout the community; and

WHEREAS, the acquisition of the YMCA provides greater opportunities for public use and, therefore, the Township Council would not proceed with the expansion of the Tom's Lake recreational facilities; and

WHEREAS, the goals of the Township Master Plan is to maintain and improve existing Township resources rather than construct or acquire major new facilities; and

WHEREAS, the Wayne YMCA property is an existing Township resource in that it is a quasi-public facility considered in the calculation of needed community facilities as part of the 1994 Master Plan; and

WHEREAS, acquiring such real property will provide for long term public use of the Wayne YMCA property as a community facility; and

WHEREAS, acquiring such real property is necessary for the overall public benefit by providing recreational facilities including, but not limited to, basketball, volleyball, swimming, aerobics, meeting rooms, opportunities for arts and theater, and community gatherings; and

WHEREAS, this acquisition would provide an overall public benefit to the Township of Wayne.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of Wayne, County of Passaic, State of New Jersey that:

SECTION 1. The Township of Wayne 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. 20:3-1 et seq., the real property in certain lands and/or any and all other interests in the properties as noted above for the purposes described hereinabove, and take such other actions necessary to take the necessary title and possession of the properties.

SECTION 2. The Township Attorney, any special counsel retained by the Township, and the Township Administrator 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.

SECTION 3. The amount to be offered by the Township to the record owner of the Property pursuant to N.J.S.A. 20:3-6 shall be fixed by further resolution of the Township upon receipt and approval of an appraisal report prepared on behalf of the Township by a qualified licensed real estate appraiser.

SECTION 4. The Township Attorney, any special counsel retained by the Township, and the Township Administrator are hereby authorized to take any and all actions necessary to acquire the properties and/or any other interests thereto, either through negotiation or, if necessary, the exercise of the Township's powers of eminent domain.

SECTION 5. The Mayor, Township Council and Clerk are hereby authorized to execute and witness any documents or instruments necessary to acquire the properties and/or any other interests thereto.

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.

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.

SECTION 8. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 9. This Ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

JASON DESTEFANO
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of June 26, 2024 and July 24, 2024.

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby
approved this 18th day
of July 2024.

ADOPTED ON: July 17, 2024

CHRISTOPHER P. VERGANO
Mayor