

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 2020-13**

**AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR
CONDEMNATION OF AN EASEMENT INTEREST IN A PORTION OF THE REAL
PROPERTY COMMONLY KNOWN AS, AND LOCATED AT, 422 FOREST AVENUE AND
DESIGNATED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF PARAMUS AS BLOCK
5707, LOT 11**

STATEMENT OF PURPOSE: This ordinance is being proposed to authorize the acquisition of a permanent easement interest along the frontage of property running along Forest Avenue in the Borough of Paramus (the "Borough") in order to construct roadway safety improvements, including installation of new left turn lanes, new traffic signals and new pedestrian crosswalks, at the intersection of Forest Avenue and Midland Avenue in the Borough.

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1), "any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation"; and

WHEREAS, there is a need for the Borough, in conjunction with the County of Bergen, to undertake and complete a roadway widening project (the "Project") in and around the intersection of Forest Avenue and Midland Avenue which involves the constructing of roadway safety improvements, including installation of new left turn lanes, new traffic signals and new pedestrian crosswalks; and

WHEREAS, the completion of the Project requires the Borough to acquire a permanent easement interest in and over a portion of property in the Borough commonly known as, and located at, 422 Forest Avenue and which is designated on the Official Tax Map of the Borough as Block 5707, Lot 11 (the "Property"); and

WHEREAS, the Borough's engineering consultant, Boswell Engineering, has prepared and provided plan design drawings for the Project dated December 20, 2019 (the "Project Drawings") which includes a parcel map depicting the area of the Property which is needed to be acquired, by easement, relating to the Project, a true and correct copy of which is annexed hereto and is made a part hereof; and

WHEREAS, based upon the goal of completing the Project, including the constructing of roadway safety improvements at the intersection of Forest Avenue and Midland Avenue, and in consultation with the Borough's consulting engineer, the Borough has identified the Property as a necessary location to obtain a permanent easement interest in land running along Forest Avenue in order to construct certain roadway safety improvements as part of the Project; and

WHEREAS, on May 5, 2020, the Governing Body of the Borough adopted Resolution No. 20-05-246 authorizing the obtaining of an appraisal of the easement interests in the Property necessary to be acquired by the Borough for completion of the Project; and

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 2020-13**

WHEREAS, McNerney & Associates, Inc. issued an appraisal dated May 12, 2020, assigning an appraised market value to the easement interest necessary to be acquired by the Borough in the Property for the Project; and

WHEREAS, the Governing Body of the Borough has determined that it would serve the purposes and be in the best interests of the Borough for it to acquire the easement interests in the Property identified above for the completion of the Project providing for the construction of certain roadway safety improvements at the intersection of Forest Avenue and Midland Avenue as identified above; and

WHEREAS, the Borough has or will enter into discussions with the owner of the Property for the acquiring of the necessary easement interests in the Property and the Borough has or will make good-faith efforts to acquire the necessary easement interests in the Property though such negotiations and without the need of condemnation proceedings; and

WHEREAS, the Borough may be unable to obtain the cooperation of the owner of the Property and therefore the Borough may need to institute eminent domain proceedings in order to acquire the necessary easement interests in the Property for the public purpose of the completion of the Project.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Paramus, County of Bergen, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein by reference as though fully set forth at length.

Section 2. The Governing Body of the Borough has determined that the acquisition of the easement interests as authorized by the within Ordinance is in the best interests of the Borough and is needed by the Borough in order to complete the Project and construct the roadway safety improvements in the intersection at Forest Avenue and Midland Avenue.

Section 3. The written appraisal of the easement interests to be acquired in the real property commonly known as and located at 422 Forest Avenue in the Borough of Paramus and which is designated on the Official Tax Map of the Borough of Paramus as Block 5707, Lot 11 prepared by McNerney & Associates, Inc. dated May 12, 2020 shall be and is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$4,300.00.

Section 4. In accordance with the provisions of N.J.S.A. 40A:12-1 et seq., the Governing Body of the Borough shall and hereby does authorize the acquisition of the easement interests in the real property commonly known as and located at 422 Forest Avenue in the Borough of Paramus and which is designated on the Official Tax Map of the Borough of Paramus as Block 5707, Lot 11 on the basis of the written appraisal issued by McNerney & Associates, Inc. The Governing Body shall and hereby does further authorize Kaufman, Semeraro & Leibman, LLP, special counsel to the Borough of Paramus, to undertake any and all necessary means, including the institution of condemnation proceedings if necessary in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., as well as the filing of a declaration of taking pursuant to N.J.S.A. 20:3-17 and depositing with the clerk of the court the appraised value of the easement interests being acquired and required by N.J.S.A. 20:3-18, in order to acquire the described easements on behalf of the Borough.

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 2020-13**

Section 5. Kaufman, Semeraro & Leibman, LLP, special counsel to the Borough of Paramus, shall be and is hereby further authorized and directed to prepare the required deed of easement and all relevant Borough officials shall be and are hereby authorized to execute any and all documents necessary in furtherance of the intentions of the within Ordinance, so long as said documents are in a form satisfactory to special counsel to the Borough.

Section 6. All prior ordinances or parts of ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistencies.

Section 7. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 8. This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ATTEST:

Approved:



Annemarie Krusznis
Borough Clerk



Richard A. LaBarbiera
Mayor

Introduced: June 9, 2020
Adopted: June 23, 2020