

**BOROUGH OF LEONIA
COUNTY OF BERGEN**

ORDINANCE NO. 2020-18

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF PRIVATE PROPERTY LOCATED AT 245 FORT LEE ROAD AND 247 FORT LEE ROAD , FOR PUBLIC PURPOSES AND AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the Borough of Leonia wishes to obtain the private properties at 245 Fort Lee Road, also known as Block 805, Lot 26 and 247 Fort Lee Road, also known as Block 805, Lot 25, which is necessary for public purposes; and

WHEREAS, the Borough has engaged an appraiser and has/will make an offer to the property owners for the purchase of the aforesaid properties, in accordance with statutory requirements; and

WHEREAS, by separate funding devices, the Borough has/will appropriate the sum of \$540,000.00 for Block 805, Lot 25, and \$570,000.00 for Block 805, Lot 26, which represents the estimated compensation for the acquisition; and

WHEREAS, in the event the offer of compensation is not acceptable, it will be necessary for the Borough to initiate condemnation proceedings.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Leonia that:

Section 1. The Mayor and Council does hereby determine that it is necessary to acquire the properties located at 245 Fort Lee Road, also known as Block 805, Lot 26 and 247 Fort Lee Road, also known as Block 805, Lot 25, for public purposes.

Section 2. The Borough hereby authorizes the acquisition of the properties known as 245 Fort Lee Road, also known as Block 805, Lot 26 and 247 Fort Lee Road, also known as Block 805, Lot 25 by condemnation for the purpose of acquiring approximately 11,468 square feet for 245 Fort Lee Road and 6,121 square feet for 247 Fort Lee Road for a total of 17,589 square feet of private property.

Section 3. The Borough 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 land described herein as Block 805, Lots 25 and 26.

Section 4. The estimated compensation of \$1,110,000.00 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 Borough. 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 Borough with the Clerk of the Superior Court upon the filing of any Declaration of Taking, pursuant to N.J.S.A. 20:3-17.

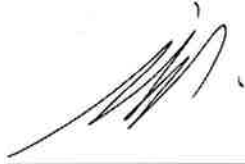
Section 5. The Mayor and/or the Borough Administrator, be and they are hereby authorized and directed to execute the appropriate Verified Complaint, Declaration of Taking and such other documents which may be necessary in order to institute condemnation proceedings and seek a determination by the Court that the Borough is duly empowered with the authority to acquire the land herein described for public 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 Leonia Code be and the same are hereby ratified and confirmed, except where inconsistent 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 the publication as required by law.

| | Motion | Second | Yes | No | Abstain | Absent |
|----------------------|--------|--------|-----|----|---------|--------|
| Fusco | | ✓ | ✓ | | | |
| Davis | | | ✓ | | | |
| Flaim | | | ✓ | | | |
| Grandelis | | | ✓ | | | |
| Terrell | | | ✓ | | | |
| Ziegler | ✓ | | ✓ | | | |
| Mayor Zeigler | --- | --- | | | | |




Judah Zeigler, Mayor

ATTEST:



Anne Dodd, RMC
Borough Clerk

I hereby certify the foregoing to be a true copy of an Ordinance No. 2020-18 adopted by the Governing Body of the Borough of Leonia on July 20, 2020.



Anne Dodd, RMC
Borough Clerk