

BOROUGH OF NORWOOD

ORDINANCE NO. 13:01

AN ORDINANCE AUTHORIZING THE ACQUISITION OF EASEMENTS IN AND OVER PROPERTIES KNOWN AS BLOCK 91, LOT 5; BLOCK 91, LOT 6; BLOCK 91, LOT 12; BLOCK 100, LOT 12; BLOCK 100, LOT 13; BLOCK 100, LOT 14; AND BLOCK 101, LOT 12 IN THE BOROUGH OF NORWOOD

WHEREAS, the Borough of Norwood (“Borough”) in cooperation with the County of Bergen (the “County”) intends to construct road improvements to portions of Livingston Street, a County road in the Borough of Norwood (the “Project”) and

WHEREAS, in order to complete the Project as recommended by the County, it is necessary that sidewalk easements be acquired for the properties known as Block 91, Lot 5; Block 91, Lot 6; Block 91, Lot 12; Block 100, Lot 12; Block 100, Lot 13; Block 100, Lot 14; and Block 101, Lot 12, in the Borough (“Subject Property”); and

WHEREAS, the Borough has available to it the funds necessary for the expenditure authorized by this ordinance pursuant to bond ordinance 12:12 adopted on December 27, 2012; and

WHEREAS, the purpose of this ordinance is to approve the acquisition of easements in and over the Subject Property pursuant to the Eminent Domain Act of 1971 (N.J.S.A. 20:3-1 et seq.) and all other applicable laws.

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

SECTION 1: The Borough will acquire, by agreement or condemnation, easements in and over those certain portions of the Subject Property more particularly described in the descriptions attached hereto as Exhibit A, in accordance with the provisions of all applicable laws and legal standards. The acquisition will include, but not be limited to, the taking of all easements, rights of way, leaseholds, and other estates in and to the parcels all as shown on the seven descriptions attached, which will be filed with a copy of the ordinance in the Clerk's Office of the County of Bergen and Clerk of the Borough.

SECTION 2: These properties are being acquired for the purpose of completing improvements to Livingston Street in conjunction with the Project with the County.

SECTION 3: The Borough will acquire the easements pursuant to all powers delegated to it pursuant to N.J.S.A. 40A:12-1 et seq. where applicable, to effectuate the acquisition by condemnation, if the Borough is unable to acquire title by agreement with the property owners, as required by N.J.S.A. 20:3-6.

SECTION 4: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

SECTION 5: The provisions of this ordinance are severable. If any part of the ordinance is declare to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

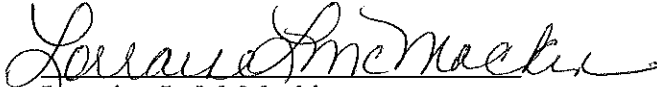
SECTION 6: This ordinance will take effect upon final approval and publication according to law.

Introduced and passed first reading: January 23, 2013

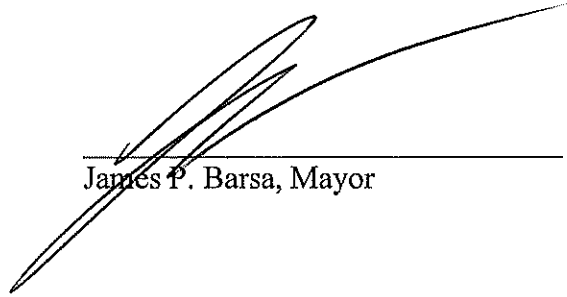
Passed second reading: February 27, 2014

ATTEST:

APPROVED BY:



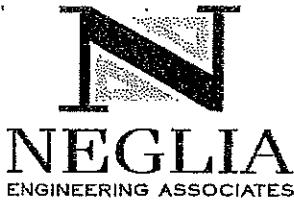
Lorraine L. McMackin,
Borough Clerk



James P. Barsa, Mayor

9276948v1

EXHIBIT A



EASEMENT DESCRIPTION

Description of a parcel of land intended for use as a sidewalk easement. Being known and designated as a part of Lot 5 Block 91 as delineated on the Borough of Norwood tax map and being more particularly described:

Beginning in the easterly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 5 and Lot 6 Block 91, being distant 1217.84' southerly along said sideline from the southerly sideline of Rockland Avenue (60' wide as per tax map) and running, thence

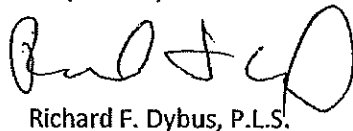
1. Along the dividing line between said lots 5 and 6, South Fifty-eight Degrees, Four Minutes, Thirty-nine Seconds East (S 58° 04' 39" E) Five and One Hundredth Feet (5.01') to a point in same, thence
2. Leaving said dividing line by a new line through said Lot 5, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) One Hundred Forty-six and Forty-nine Hundredths Feet (146.49') to a point in the dividing line between said Lot 5 and Lot 4 Block 91, thence
3. Along said dividing line between said Lots 4 and 5, North Sixty Degrees, Eight Minutes, Fifty-nine Seconds West (N 60° 08' 59" W) Five and Zero Hundredths Feet (5.00') to the aforementioned easterly sideline of Livingston Street, thence
4. Along said easterly sideline, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) One Hundred Forty-six and Sixty-seven Hundredths Feet (146.67') to the point and place of beginning.

Containing: 733 square feet of land, more or less

Subject to easements and restrictions of record, if any

This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 5 Block 91, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:



Richard F. Dybus, P.L.S.

New Jersey License Number 33523

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EASEMENT DESCRIPTION

Description of a parcel of land intended for use as a sidewalk easement. Being known and designated as a part of Lot 6 Block 91 as delineated on the Borough of Norwood tax map and being more particularly described:

Beginning in the easterly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 6 and Lot 7 Block 91, being distant 1120.14' southerly along said sideline from the southerly sideline of Rockland Avenue (60' wide as per tax map) and running, thence

- 1. Along the dividing line between said lots 6 and 7, South Fifty-six Degrees, Twenty-three Minutes, Fifty-five Seconds East (S 56° 23' 55" E) Five and Two Hundredths Feet (5.02') to a point in same, thence
2. Leaving said dividing line by a new line through said Lot 6, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) ninety-six and Seven Hundredths Feet (96.07') to a point in the dividing line between said Lot 6 and Lot 5 Block 91, thence
3. Along said dividing line between said Lots 5 and 6, North Fifty-eight Degrees, Four Minutes, Thirty-nine Seconds West (N 58° 04' 39" W) Five and One Hundredth Feet (5.01') to the aforementioned easterly sideline of Livingston Street, thence
4. Along said easterly sideline, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) Ninety-six and Twenty-two Hundredths Feet (96.22') to the point and place of beginning.

Containing: 481 square feet of land, more or less

Subject to easements and restrictions of record, if any

This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 6 Block 91, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:

Richard F. Dybus, P.L.S.

New Jersey License Number 33523

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EASEMENT DESCRIPTION

Description of a parcel of land intended for use as a sidewalk easement. Being known and designated as a part of Lot 12 Block 91 as delineated on the Borough of Norwood tax map and being more particularly described:

Beginning in the easterly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 12 and Lot 13 Block 91, being distant 120.00' southerly along said sideline from the southerly sideline of Rockland Avenue (60' wide as per tax map) and running, thence

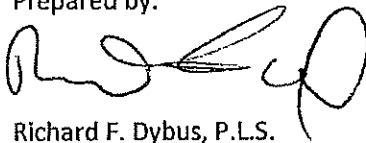
1. Along the dividing line between said lots 12 and 13, South Sixty-one Degrees, Forty-two Minutes, Nineteen Seconds East (S 61° 42' 19" E) Five and Zero Hundredths Feet (5.00') to a point in same, thence
2. Leaving said dividing line by a new line through said Lot 12, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) One Hundred Thirty-three and Sixty-three Hundredths Feet (133.63') to a point in the dividing line between said Lot 12 and Lot 11 Block 91, thence
3. Along said dividing line between said Lots 11 and 12, North Sixty-one Degrees, Forty-two Minutes, nineteen Seconds West (N 61° 42' 19" W) Five and Zero Hundredths Feet (5.00') to the aforementioned easterly sideline of Livingston Street, thence
4. Along said easterly sideline, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) One Hundred Thirty-three and Sixty-three Hundredths Feet (133.63') to the point and place of beginning.

Containing: 668 square feet of land, more or less

Subject to easements and restrictions of record, if any

This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 12 Block 91, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:



Richard F. Dybus, P.L.S.

New Jersey License Number 33523

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EASEMENT DESCRIPTION

Description of a parcel of land intended for use as a sidewalk easement. Being known and designated as a part of Lot 12 Block 100 as delineated on the Borough of Norwood tax map and being more particularly described:

Beginning in the westerly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 12 and Lot 10 Block 100, being distant 241.8' southerly along said sideline from the southerly sideline of Hudson Avenue (60' wide as per tax map) and running, thence

- 1. Along said westerly sideline, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) Ninety and Eighty-four Hundredths Feet (90.84') to a point in same, thence
2. Leaving said sideline along the dividing line between said Lot 12 and Lot 13 Block 100, North Fifty-seven Degrees, Nineteen Minutes, Twenty-nine Seconds West (N 57° 19' 29" W) Five and One Hundredth Feet (5.01') to a point in same, thence
3. Leaving said dividing line by a new line through said Lot 12, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) ninety and Eighty-four Hundredths Feet (90.84') to the aforementioned dividing line between Lots 10 and 12, thence
4. Along said dividing line, South Fifty-seven Degrees, Nineteen Minutes, Twenty-nine Seconds East (S 57° 19' 29" E) Five and One Hundredth Feet (5.01') to the point and place of beginning.

Containing: 454 square feet of land, more or less

Subject to easements and restrictions of record, if any

This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 12 Block 100, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:

[Handwritten signature of Richard F. Dybus]

Richard F. Dybus, P.L.S.

New Jersey License Number 33523

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Beginning in the westerly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 13 and Lot 12 Block 100, being distant 333.6' southerly along said sideline from the southerly sideline of Hudson Avenue (60' wide as per tax map) and running, thence

1. Along said westerly sideline, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) Forty-five and Ninety Hundredths Feet (45.90') to a point in same, thence
2. Leaving said sideline along the dividing line between said Lot 13 and Lot 14 Block 100, North Fifty-seven Degrees, Nineteen Minutes, Twenty-nine Seconds West (N 57° 19' 29" W) Five and One Hundredth Feet (5.01') to a point in same, thence
3. Leaving said dividing line by a new line through said Lot 13, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) Forty-five and Ninety Hundredths Feet (45.90') to the aforementioned dividing line between Lots 12 and 13, thence
4. Along said dividing line, South Fifty-seven Degrees, Nineteen Minutes, Twenty-nine Seconds East (S 57° 19' 29" E) Five and One Hundredth Feet (5.01') to the point and place of beginning.

Containing: 230 square feet of land, more or less

Subject to easements and restrictions of record, if any

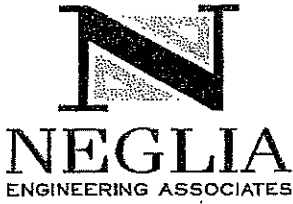
This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 13 Block 100, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:

Richard F. Dybus, P.L.S.

New Jersey License Number 33523

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EASEMENT DESCRIPTION

Description of a parcel of land intended for use as a sidewalk easement. Being known and designated as a part of Lot 14 Block 100 as delineated on the Borough of Norwood tax map and being more particularly described:

Beginning in the westerly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 14 and Lot 13 Block 100, being distant 397.5' southerly along said sideline from the southerly sideline of Hudson Avenue (60' wide as per tax map) and running, thence

1. Along said westerly sideline, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) One Hundred Thirty-seven and Zero Hundredths Feet (137.00') to a point in same, thence
2. Leaving said sideline along the dividing line between said Lot 14 and Lot 15 Block 100, North Sixty-one Degrees, Sixteen Minutes, Nineteen Seconds West (N 61° 16' 19" W) Five and Zero Hundredths Feet (5.00') to a point in same, thence
3. Leaving said dividing line by a new line through said Lot 14, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) One Hundred Thirty-seven and Thirty-five Hundredths Feet (137.35') to the aforementioned dividing line between Lots 13 and 14, thence
4. Along said dividing line, South Fifty-seven Degrees, Nineteen Minutes, Twenty-nine Seconds East (S 57° 19' 29" E) Five and One Hundredth Feet (5.01') to the point and place of beginning;

Containing: 686 square feet of land, more or less

Subject to easements and restrictions of record, if any

This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 14 Block 100, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:

Richard F. Dybus, P.L.S.

New Jersey License Number 33523

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EASEMENT DESCRIPTION

Description of a parcel of land intended for use as a sidewalk easement. Being known and designated as a part of Lot 12 Block 101 as delineated on the Borough of Norwood tax map and being more particularly described:

Beginning in the westerly sideline of Livingston Street (60' wide as per tax map) where same is intersected by the dividing line between said Lot 12 and Lot 13 Block 101, being distant 182.14' southerly along said sideline from a point of curve leading into Rockland Avenue (60' wide as per tax map) and running, thence

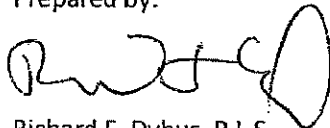
1. Leaving said sideline along the dividing line between said Lots 12 and 13, North Fifty-six Degrees, Five Minutes, Fifty-nine Seconds West (N 56° 05' 59" W) Five and two Hundredths Feet (5.02') to a point in same, thence
2. Leaving said dividing line by a new line through said Lot 12, North Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds East (N 28° 17' 41" E) One Hundred Ninety-four and Eighty-eight Hundredths Feet (194.88') to a point of cusp, thence
3. Southerly along a curve to the right having a radius of Twenty and Zero Hundredths Feet (20.00') an arc length of Fourteen and Forty-five Hundredths Feet (14.45') having a chord bearing of South Seven Degrees, Thirty-five Minutes, Twenty-four Seconds West (S 07° 35' 24" W) and a chord distance of Fourteen and Fourteen Hundredths Feet (14.14') to a point of tangent in the aforementioned westerly sideline of Livingston Street, thence
4. Along said sideline, South Twenty-eight Degrees, Seventeen Minutes, Forty-one Seconds West (S 28° 17' 41" W) One Hundred Eighty-two and Fourteen Hundredths Feet (182.14') to the point and place of beginning.

Containing: 955 square feet of land, more or less

Subject to easements and restrictions of record, if any

This description is prepared in accordance with a certain plan entitled "Easement Plan Lot 12 Block 101, Borough of Norwood, Bergen County, New Jersey" prepared by Neglia Engineering Associates, Lyndhurst, New Jersey dated December 2010.

Prepared by:



Richard F. Dybus, P.L.S.

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