

**Borough of Norwood**

**Ordinance No. 14:01**

**Authorizing the Acquisition of Construction and Sidewalk Easements on Property known as Block 100, Lots 12 and 13, in the Borough of Norwood, and, if necessary, authorizing the institution of eminent domain proceedings.**

**WHEREAS**, the Mayor and Council of the Borough of Norwood (“Borough”) finds that there is a need for acquisition of construction and sidewalk easements (“the Easements”) on property in the Borough designated as Block 100, Lots 12 and 13, on the Borough’s current tax map (“the Property”) for the proposed improvements to Livingston Street; and

**WHEREAS**, the purpose of this ordinance is to approve the acquisition of the Easements, pursuant to all other applicable laws; and

**WHEREAS**, the owner of the Property, Thomas Bocchino, as Executor of the Estate of Charles Bocchino, and as the Executor of the Estate of Joan M. Bocchino, has agreed to grant the Easements to the Borough in consideration of the payment of \$15,000; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., authorize public entities to acquire real property or an interest in real property; and

**WHEREAS**, there are sufficient funds available for this purchase.

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

**Section 1.:** The Mayor and all other Borough officials, consultants, agents, employees, and professionals, as may be necessary and appropriate, are authorized to pursue all lawful means of acquiring the Easements in the Property through negotiation and/or condemnation, if necessary, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq., including the filing of a declaration of taking, the filing of a condemnation complaint, and all other proceedings related hereto.

**Section 2.:** The Mayor, Clerk, and Borough Attorney are authorized and directed to execute all documents necessary for the acquisition, including a contract for the purchase in consideration of the payment of \$15,000, in the form prepared by or approved by the Borough Attorney and on file with the Borough Clerk.

**Section 3.:** The Easements are being acquired for the purpose of the construction of improvements to Livingston Street, in accordance with plans and specifications approved by the Borough's Mayor and Council and by the County of Bergen.

**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 this ordinance is declared 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 22, 2014

Passed second reading: February 12, 2014

ATTEST:



Lorraine L. McMackin, Borough Clerk

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APPROVED BY:

  
James P. Barsa, Mayor