

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

Ordinance No. 20-14

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF  
CERTAIN PROPERTIES NEEDED FOR PUBLIC USE IN CONNECTION  
WITH WASHINGTON AVENUE AND  
PASCACK ROAD INTERSECTION PROJECT**

WHEREAS, the Township of Washington (the “Township”) and the County of Bergen (the “County”) have entered into a shared services agreement in connection with a public use project; namely an improvement and signalization plan for the intersection of Washington Avenue and Pascack Road (the “Intersection Project”); and

WHEREAS, the shared services agreement delineates the specific areas of responsibility of performance and costs relative to the Intersection Project as between the County and the Township, and the Township is charged with the responsibility for acquisition of various easements required for the Intersection Project and the plans therefore (the “Plans”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12-5(a)(1)*, the governing body of a municipality may provide for the acquisition of any real property, capital improvement, or personal property by purchase, gift, devise, lease, exchange, condemnation or installment purchase contract; and

WHEREAS, the Intersection Project is important to the good and welfare and best interests of the Township and its citizenry, and it is in the public interest of the Township to proceed with the Intersection Project and acquire the easements prescribed in the Plans for public use; and

WHEREAS, the Township is authorized by the New Jersey Eminent Domain Act, *N.J.S.A. 20:3-1 et seq.* (the “Eminent Domain Act”) to acquire such easements, and the Township has determined to proceed with the acquisition of such easements for public use;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Washington as follows:

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

2. Easements in connection with properties identified by the Plans are needed for the public purpose of completing the Intersection Project and are more particularly set forth below:

a. Lot 64 in Block 3104 on the Tax Map of the Township (680 Washington Avenue) - a road widening easement consisting of 158 square feet or 0.004 acres;

b. Lot 6 in Block 3104 on the Tax Map of the Township (667 McKinley Avenue) - a road widening easement consisting of 694 square feet or 0.016 acres;

c. Lot 1 in Block 3103 on the Tax Map of the Township (680 McKinley Avenue) - a road widening easement consisting of 1,679 square feet or 0.039 acres;

d. Lot 1 in Block 2110 on the Tax Map of the Township (659 Meisten Street) - a road widening easement consisting of 1,152 square feet or 0.026 acres;

e. Lot 1 in Block 2110 on the Tax Map of the Township (659 Meisten Street) - a drainage easement consisting of 123 square feet or 0.003 acres;

f. Lot 7 (now Lot 6) in Block 2110 on the Tax Map of the Township (660 Pascack Road) - a road widening easement consisting of 89 square feet or 0.002 acres;

g. Lot 6 in Block 2110 on the Tax Map of the Township (660 Pascack Road) - a road widening easement consisting of 1,886 square feet or 0.043 acres;

h. Lot 7 (now Lot 6) in Block 2110 on the Tax Map of the Township (660 Pascack Road) - a road widening easement consisting of 1,277 square feet or 0.029 acres;

i. Lot 8 in Block 2110 on the Tax Map of the Township (666 Pascack Road) - a road widening easement consisting of 1,901 square feet or 0.043 acres;

j. Lot 9 in Block 2110 on the Tax Map of the Township (674 Pascack Road) - a road widening easement consisting of 2,251 square feet or 0.052 acres;

k. Lot 10 in Block 2110 on the Tax Map of the Township (682 Pascack Road) - a road widening easement consisting of 1,919 square feet or 0.044 acres;

l. Lot 11 in Block 2110 on the Tax Map of the Township (688 Pascack Road) - a road widening easement consisting of 2,039 square feet or 0.047 acres; and

m. Lot 7 in Block 3103 on the Tax Map of the Township (689 Pascack Road) - a temporary construction easement consisting of 432 square feet or 0.009 acres.

3. The Township is hereby authorized to acquire each of the aforesaid easements.

4. The acquisition of the easements set forth above may be achieved by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement pursuant to *N.J.S.A. 40A:12-5(a)(1)* and in accordance with the Eminent Domain Act, or as may be authorized by any other applicable law.

5. The Mayor, Township Administrator, Township Attorney, Township Clerk, Chief Financial Officer, and/or any other Township employees deemed appropriate (collectively, the "Authorized Persons") are hereby authorized and directed to take, or cause to be taken, any and all actions necessary to initiate and complete the acquisition of the aforesaid easements, including but not limited to obtaining any appraisals, title searches and title reports, surveys, studies, and inspections as reasonably necessary to determine the value, boundary, ownership, interests or condition of the easements to be acquired.

6. Any and all actions previously taken by the Authorized Persons in connection with the acquisition of the aforesaid easements are hereby ratified and confirmed.

7. The Township has determined that, in exchange for the conveyance of the road widening easement described in Section 2 (a) above, the Township shall convey to the title owner of Lot 64 in Block 3104 an access easement consisting of 591 square feet or 0.014 acres on the adjacent property located at Lot 60 in Block 3104 on the Tax Map of the Township of Washington, which adjacent property is owned by the Township and which the Township has determined is not needed for public use and is without capital improvements located thereon. The Authorized

Persons are authorized and directed to take, or cause to be taken, any and all actions necessary to initiate and complete the exchange of the access easement for the road widening easement as set forth herein.

8. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

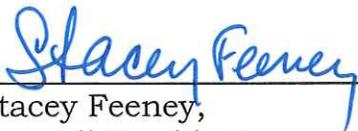
9. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

10. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
\_\_\_\_\_  
Susan Witkowski,  
Township Clerk

By   
\_\_\_\_\_  
Stacey Feeney,  
Council President

Introduction Date:            October 5, 2020

MOTION	SECOND	COUNCIL	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Cascio	Cascio	Cascio	x				
Cumming	Cumming	Cumming	x				
DeSena	x DeSena	DeSena	x				
Morgan	Morgan	Morgan	x				
Feeney	Feeney	x Feeney	x				

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Susan Witkowski,  
Township Clerk

By \_\_\_\_\_  
Stacey Feeney,  
Council President

Adoption Date:

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Cascio		Cascio		Cascio				
Cumming		Cumming		Cumming				
DeSena		DeSena		DeSena				
Morgan		Morgan		Morgan				
Feeney		Feeney		Feeney				