

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1058-2022

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY
LOCATED IN THE BOROUGH OF NORTHVALE AS SHOWN ON THE TAX MAP AS
BLOCK 1001, LOT 10**

WHEREAS, the owner of record of approximately 0.0574 acres of property commonly known and identified as 153-A Scharer Avenue and designated on the official tax map of the Borough of Northvale as Block 1001, Lot 10 (the “Property”) has expressed interest in selling the Property to the Borough of Northvale; and

WHEREAS, the Borough of Northvale previously identified the Property as one that has been recommended for acquisition by the Borough of Northvale for public use as open space and, by Resolution 2021-210 adopted December 8, 2021, the Governing Body authorized the conducting of a preliminary investigation to determine whether the Property would be suitable for acquisition by the Borough of Northvale for use as open space; and

WHEREAS, pursuant to N.J.S.A. 40:61-1(a), the Borough of Northvale is authorized to acquire the Property for use as a public park and place for public resort and recreation; and

WHEREAS, by Resolution 2022-100 adopted June 8, 2022, the Governing Body of the Borough of Northvale authorized the execution by the Mayor of the Contract for Sale of Real Estate with the owner of record of the Property for the acquisition of the Property by the Borough of Northvale; and

WHEREAS, the Governing Body of the Borough of Northvale has had the Property appraised and the appraiser supports the acquisition price of Eighty Thousand and 00/100THS (\$80,000.00) Dollars; and

WHEREAS, by Bond Ordinance 1056-2022 adopted July 28, 2022, the Governing Body of the Borough of Northvale authorized the appropriation of funds necessary for the purchase of the Property from the proceeds of the sale of bonds authorized thereby; and

WHEREAS, the Governing Body of the Borough of Northvale, finding it to be in the best interests of the Borough of Northvale and its residents to acquire the Property, desires to complete the purchase of the Property in accordance with the provisions of N.J.S.A. 40:61-1(a) and the Contract for Sale of Real Estate entered into by the Borough of Northvale with the owner of record of the Property as authorized by Resolution 2022-100 adopted June 8, 2022.

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Northvale as follows:

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

Section 2. In accordance with the provisions of N.J.S.A. 40:61-1(a), and consistent with Resolution 2022-100 adopted June 8, 2022 and the Contract for Sale of Real Estate entered into by the Borough of Northvale as authorized by said Resolution, the Governing Body of the Borough of Northvale shall and hereby does authorize the purchase of the real property commonly known as and located at 153-A Scharer Avenue in the Borough of Northvale and designated on the Official Tax Map of the Borough of Northvale as Block 1001, Lot 10 from the owner of record for the sum of Eighty Thousand and 00/100THS (\$80,000.00) Dollars, to be paid, together with the usual and customary closing costs, from the proceeds of Bond Ordinance 1056-2022 adopted July 28, 2022.

Section 3. The real property commonly known as and located at 153-A Scharer Avenue in the Borough of Northvale and designated on the Official Tax Map of the Borough of Northvale as Block 1001, Lot 10 is being acquired by the Borough of Northvale for use as a passive park and will be subject to recorded restrictions that will prohibit the development of this property for any other purpose.

Section 4. DeCotiis, FitzPatrick, Cole & Giblin, LLP, counsel to the Borough of Northvale, shall be and is hereby further authorized and directed to prepare any and all documents required to consummate the acquisition of real property commonly known as and located at 153-A Scharer Avenue in the Borough of Northvale and designated on the Official Tax Map of the Borough of Northvale as Block 1001, Lot 10 as said purchase is authorized by Resolution 2022-100 adopted June 8, 2022 by the Governing Body of the Borough of Northvale and as authorized by this Ordinance, 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 counsel to the Borough of Northvale.

Section 5. If any part of this Ordinance is invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall be saved to the fullest extent possible. Any ambiguities in this Ordinance shall be construed in accordance with the purpose of this ordinance.

Section 6. All prior ordinances that are inconsistent with this Ordinance are repealed. All ordinances are hereby amended to be consistent with this Ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this Ordinance.

Section 7. This Ordinance shall take effect after publication and passage according to law.

Patrick J. Marana

Patrick J. Marana, Mayor

Attest:

Frances M. Weston

Frances Weston
Municipal Clerk

Introduced: August 10, 2022

2nd Reading: December 14, 2022

Adopted: December 14, 2022