

ORDINANCE NO. 5604

AN ORDINANCE TO AUTHORIZE FUNDING FOR AND ACQUISITION OF A PORTION OF REAL PROPERTY OWNED BY RECORD OWNER, SHILOH BAPTIST CHURCH, DESIGNATED AS BLOCK 6, LOT 682 AND ALSO KNOWN AS 79-85 MURRAY STREET, CITY OF ELIZABETH, WHICH IS REQUIRED FOR THE ELIZABETH RIVER TRAIL PROJECT AND FLOOD CONTROL PURPOSES, BY NEGOTIATIONS WITH RECORD OWNER AND, IN THE EVENT OF FAILURE TO REACH AN AGREEMENT ON VALUE OR TERMS OR CONDITIONS, BY CONDEMNATION PROCEEDINGS PURSUANT TO N.J.S.A. 20:3-1 ET. SEQ.

WHEREAS, the City of Elizabeth ("City") pursuant to N.J.S.A. 40:48-2 is authorized and empowered to adopt an ordinance for the preservation of the public health, safety and welfare; and

WHEREAS, the City pursuant to N.J.S.A. 40A:12-1, et seq. is duly authorized and empowered to acquire land and property for public use by purchase or eminent domain, if necessary; and

WHEREAS, the City has determined that acquisition of permanent easements, by condemnation if necessary, within the property described herein will promote the public health, safety and welfare and is for the public purpose of flood control and constructing portions of the Elizabeth River Trail project within the property; and

WHEREAS, the property to be acquired, in the form of a permanent easement (with a total area of approximately 2,391 square feet) over a portion thereof along the Elizabeth River, is known as Block 6, Lot 682 on the Tax Map of the City of Elizabeth and also known as 79-85 Murray Street in the City of Elizabeth which portion is designated as "Easement Area 'R1-B'" on the Metes and Bounds Description attached hereto as Exhibit A and Survey attached hereto as Exhibit B (herein referred to as the "Property"), the record owner of which Property is Shiloh Baptist Church; and

WHEREAS, the Property is improved with a former church building, which is currently a shell due to extensive fire damage; and

WHEREAS, the City has obtained an independent real estate appraisal report of the fair market value of the Property to be acquired as of November 23, 2021, in the amount of \$14,000.00 (Fourteen Thousand Dollars); and

WHEREAS, the City's appraised value of the Property to be acquired assumes the Property is not in need of environmental remediation, cleanup or monitoring; and

WHEREAS, pursuant to N.J.S.A. 58:10-23.11g(d)(4), the City is not liable under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, et seq. for the cleanup and removal costs of any discharge of hazardous substances on or within the Property which occurred or began prior to the City's ownership of the Property; and

WHEREAS, the City's environmental consultant has undertaken a preliminary environmental assessment of the Property and may undertake further investigation; and

WHEREAS, Anthony M. Zengaro, Chief Financial Officer has certified that sufficient funds are available to be appropriated pursuant to Bond Ordinance No. 4479, Account No. X-04-55-999-X66-001 (Elizabeth River Trail Phase 4), for purposes related to the acquisition of the Property; and

WHEREAS, it is deemed necessary to acquire, by condemnation if necessary, the lands and premises identified herein; now, therefore,

BE IT ORDAINED, by the City Council of the City of Elizabeth, New Jersey, as follows:

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on
FEB 23 2022
City Clerk

SECTION 1. - The above recitals and Exhibits attached hereto are incorporated into this section of the Ordinance as if specifically set forth at length herein.

SECTION 2. - That the appraisal in the amount of \$14,000 for the Property, as if the Property is not in need of environmental remediation, cleanup or monitoring be and the same is hereby approved.

SECTION 3. - That the proper officials of the City of Elizabeth, with the assistance of the City Attorney and Special Counsel retained by the City, be and they are hereby authorized to negotiate and execute all documents and agreements for the acquisition of the Property, as described herein, which is in the record ownership of Shiloh Baptist Church, pursuant to the approved appraisal in the amount of \$14,000 by negotiating with said record owner. In the event the owner fails or refuses to accept such sum of money which in accordance with the appraisal represents the value of the Property, as if the Property is not in need of environmental remediation, cleanup or monitoring, or in the event of the inability to agree with the owner as to the price to be paid for said Property, or to the terms and conditions thereof, or the inability to convey valid title or by reason of any other cause, to institute necessary legal proceedings to take, by way of condemnation or eminent domain in the manner provided by the laws of the State of New Jersey, and such other proceedings necessary to acquire title to the above-described premises for the purpose of flood control and constructing portions of the Elizabeth River Trail project within the Property.


SECTION 4. - Funds in the amount of \$14,000 are hereby authorized to be appropriated for purposes of this acquisition.

SECTION 5. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

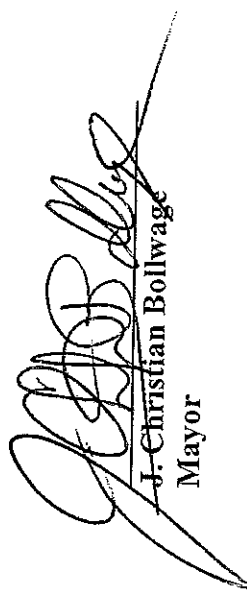
SECTION 6. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.


SECTION 7. - The effective date of the ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor and the time and in the manner provided by law.

Passed: 2/22/22


Nelson Gonzalez
President of City Council

Approved: 2/23/22


J. Christian Bollwage
Mayor

Attest: 
Yolanda M. Roberts, R.M.C.
City Clerk