Resolution 16-075

RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION A PORTION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 90 LOT 85 IN THE TOWN OF BOONTON

WHEREAS, it has been brought to the attention of the RVRSA that the Monroe Street Siphon Clean Out Chamber and the accompanying siphons are encroaching on real property owned by the New Jersey Firemen's Home; and

WHEREAS, it is impossible to relocate the siphon chamber and associated lines; and

WHEREAS, the RVRSA has determined that the most efficient and cost-effective means to address and correct the encroachment is to acquire by purchase or condemnation that portion of real property which is necessary to for the RVRSA to carry out its public duties; and

WHEREAS, the siphon chamber and associated lines at this location are necessary for the normal operation and maintenance of the RVRSA's siphon lines and in order to protect public health, environment, and welfare, pursuant to the powers given to sewerage authorities under the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.; and

WHEREAS, following the discovery of the encroachment, the RVRSA has undertaken negotiations for an access agreement with the New Jersey Firemen's Home, which negotiations have not yet resolved the issue; and

WHEREAS, in order to correct the encroachment of the siphon chamber and associated lines it is necessary for the RVRSA to acquire a portion of 565 Lathrop Avenue, Boonton, New Jersey ("Property").

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority:

1. The Executive Director is authorized to obtain a survey of the portion of that real property which must be acquired, and to also obtain an appraisal of the fair market value of that portion of real property to be acquired.

2. The Executive Director is authorized to submit a written offer for the purchase of the aforementioned portion of real property and to negotiate its acquisition with the property owner on the basis of the aforementioned appraisal, provided that the appraisal report is approved by the Rockaway Valley Regional Sewerage Authority.

3. In the event that the Rockaway Valley Regional Sewerage Authority is unable to acquire the property through good faith negotiation, the firm of Maraziti Falcon, LLP is authorized to file an action in Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40:14A-20.

4. This Resolution shall take effect immediately.

CERTIFICATION

I do hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on July 14, 2016

on motion of Hector Schorno

second by Glenn Corbett

ROLL CALL VOTE:

YEAS: (7) Andes, Cegelka, Corbett, Lowell, Recchia, Rossi, Schorno,

NAYS: (0) None

ABSTAIN: (0) None

ABSENT: (3) Guadagno, Secco and Vincitore

Michael Guadagno

Michael Guadagno
Board Secretary

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