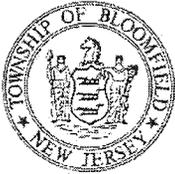


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**Township Council**

1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**

*Municipal Clerk*

<http://www.bloomfieldtwpnj.com>

Meeting: 02/21/12 07:00 PM

**2012 ORDINANCE ACQUISITION**

**MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF PROPERTY LOCATED AT BLOCK 220, LOT 40 FOR PUBLIC USE**

**WHEREAS**, by Deed dated May 14, 1964 (the "Deed"), Bloomfield Daval Corp. ("Bloomfield Daval") acquired the property located at 14 Lackawanna Place, designated as Block 220, Lot 40 (the "Train Station Property") on the tax map of the Township of Bloomfield (the "Township") from the Erie Lackawanna Railroad Company ("Erie"); and

**WHEREAS**, in the Deed, Erie reserved for itself and its successors, assigns, licensees, lessees, invitees, patrons and employees, a permanent easement (the "Permanent Easement") in, through, over and across the Train Station Property in order to provide suitable access to the platform adjacent to the railway then operated by Erie, now operated by New Jersey Transit; and

**WHEREAS**, notwithstanding the Permanent Easement, since Bloomfield Daval acquired the Train Station Property, the property has fallen into a state of disrepair, contains a structure that is now uninhabitable and is an eyesore, and is in such a condition that commuters utilizing the train station platform are endangered and inconvenienced while traversing the Train Station Property to access said train station platform; and

**WHEREAS**, pursuant to that certain Redevelopment Agreement by and between Bloomfield Center Urban Renewal, L.L.C. (the "Redeveloper") and the Township, dated March 8, 2011, the Redeveloper will redevelop property located across the street from the Train Station Property by constructing thereon a project consisting of: (i) approximately

TO FORM AND PROCEED  
ON BASIS OF FACTS SET FORTH  
*Brian J. [Signature]*  
[Title]

60,000 square feet of retail space, including approximately 10,000 square feet of restaurant space; (ii) approximately 224 residential units; and (iii) an approximately 439 space parking garage (collectively, the “Redevelopment Project”); and

**WHEREAS**, the Mayor and Council of the Township (“Mayor and Council”) believes that it is in the best interest of the Township to make every effort to ensure that the Train Station Property is renovated, to the extent financially feasible, physically possible and maximally productive, to allow for safer and easier public access to the train station platform, and to make the property’s condition compatible with the adjacent property once the Redevelopment Project is complete and enhance the value of the parking garage component thereof to the entire community; and

**WHEREAS**, the Township desires to acquire the Train Station Property to ensure that such renovation is effectuated; and

**WHEREAS**, toward that end, the Township commissioned and paid for a real estate appraisal report for the Train Station Property by McNerney & Associates, Inc., dated May 17, 2011 (the “Appraisal Report”), which provided that the fair market value of the Train Station Property is \$400,000; and

**WHEREAS**, the Township forwarded the Appraisal Report to Bloomfield Daval for its review and offered to purchase the Train Station Property from Bloomfield Daval based on the appraised value thereof, subject to the approval of the Mayor and Council; and

**WHEREAS**, by letter to the Township dated December 14, 2011, Bloomfield Daval rejected the Township’s offer and advised the Township that it still desires to own

and develop the Train Station Property, including with a restaurant on the track level of the station and a multi-story retail office building on the property adjacent to the station; and

**WHEREAS**, notwithstanding Bloomfield Daval's stated desire to develop the Train Station Property, it appears that the relatively small size of the parcel, the limitation on the ability to demolish the train station due to its historic designation status and the engineering limitations on the ability to develop the property due to its configuration and topographic condition, all make the prospect of Bloomfield Daval's development extraordinarily costly and, therefore, unlikely if not impossible; and

**WHEREAS**, the New Jersey Local Land and Buildings Law (N.J.S.A. 40A:12-1 *et seq.* (the "Local Land and Buildings Law")), specifically, N.J.S.A. 40A:12-5(a), provides, among other things, that a municipality may provide for the acquisition of any real property by purchase or condemnation; and

**WHEREAS**, the Mayor and Council now desires to authorize the acquisition of the Train Station Property including by eminent domain, if necessary, pursuant to the New Jersey Eminent Domain Act (N.J.S.A. 20:3-1 *et seq.*) (the "Eminent Domain Act"); and

**WHEREAS**, the public purpose of such an acquisition by the power of eminent domain pursuant to the Local Land and Buildings Law and the Eminent Domain Act would be to provide for safe and convenient access of the public to the train station platform adjacent to the Train Station Property; and

**WHEREAS**, the Township wishes to clarify that the Train Station Property is in a

property designated “area in need of redevelopment” pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), and the Township has adopted a redevelopment plan for the Train Station Property, and, thus, the Township also possesses the power to acquire said property pursuant to the Redevelopment Law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of Township of Bloomfield, New Jersey, as follows:

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

Section 2. The Township is hereby authorized to acquire the Train Station Property.

Section 3. The acquisition of the Train Station Property may be achieved by any of the following methods: (i) consummation of a purchase and sale contract by negotiations with the property owner, (ii) by a gift, grant, or contribution by the property owner, or (iii) by condemnation of the property pursuant to the Local Land and Buildings Law and the Eminent Domain Act. In the event that the acquisition is by purchase and sale contract or condemnation, the Chief Financial Officer has certified that there are sufficient funds available therefor.

Section 4. The Mayor, Administrator, Clerk, Director of Law, Director of Community Development, Chief Financial Officer, Bond Counsel and/or Redevelopment Counsel (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 Train Station Property, including but not limited to obtaining any studies, surveys, tests, soundings, borings, appraisals, title searches and title reports, as reasonably necessary to determine the value, boundary, ownership, interests or environmental condition regarding said property.

Section 5. Any and all actions previously taken by the Authorized Persons in connection with the acquisition of the Train Station Property are hereby ratified and confirmed.

Section 6. If any part(s) of this ordinance shall be deemed invalid, such

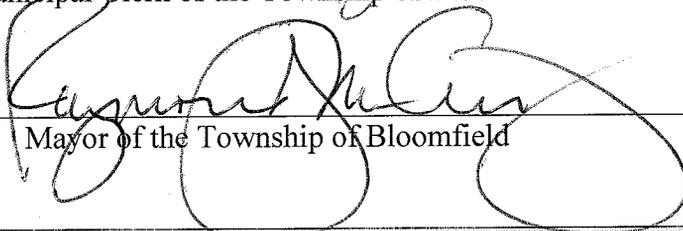
part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 7. This ordinance shall take effect in accordance with applicable law.

\* \* \* \* \*

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on March 5, 2012

  
 \_\_\_\_\_  
 Municipal Clerk of the Township of Bloomfield

  
 \_\_\_\_\_  
 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 1505		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve					

✓ Vote Record - Ordinance 1505		Yes/Aye	No/Nay	Abstain	Absent
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