

County of Passaic

Board of County Commissioners



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Clerk Of The Board

Date: Feb 27, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS ON THREE (3) PARCELS NEEDED FOR THE OLDHAM ROAD IMPROVEMENTS PROJECT IN THE TOWNSHIP OF WAYNE, COUNTY OF PASSAIC, NEW JERSEY, PURSUANT TO N.J.S.A. 20:3-6

THIS RESOLUTION WAS REQUESTED BY:
ENGINEERING

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

Official Resolution#	
Meeting Date	2/27/2024
Introduced Date	2/23/2024
Adopted Date	
Agenda Item	38.
CAF#	C-04-55-176-002-920
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS ON THREE (3) PARCELS NEEDED FOR THE OLDHAM ROAD IMPROVEMENTS PROJECT IN THE TOWNSHIP OF WAYNE, COUNTY OF PASSAIC, NEW JERSEY, PURSUANT TO N.J.S.A. 20:3-6

WHEREAS, the County of Passaic (hereafter “County”) is a government body incorporated pursuant to N.J.S.A. 40:18-1, et seq. and vested with all rights contained therein; and

WHEREAS, pursuant to N.J.S.A. 40:20-1 the Board of Commissioners for the County of Passaic (hereafter “Board”) is vested with decision making powers on behalf of the County; and

WHEREAS, the County is planning on undertaking a project known as the Oldham Road Improvements Project (hereafter “Project”) that requires the County obtain partial fee takings and/or easements owned by private parties; and

WHEREAS, the firm New Jersey Realty Advisory Group, LLC of Iselin, New Jersey has completed a real property appraisal report relative to the value of the land that needs to be acquired and the value of damages associated with the acquisition of the necessary land and easements; and

WHEREAS, on November 16, 2020, the Board passed Resolution R-20-0998 designating road areas to be acquired in connection with the Project, and authorizing the Office of the Passaic County Counsel to make or cause to have made search of titles to lands affected by the Project, obtaining appraisal services necessary to determine the fair market value of the properties to be acquired, and directing and authorizing the County to acquire the designated properties by purchase, gift, or condemnation, subject to approval by the Board

WHEREAS, by the laws governing eminent domain, specifically, N.J.S.A. 20:3-6, the County was first required to attempt to obtain the necessary property acquisitions through bona fide negotiations with the affected property owners based upon the property values and damages to the remainder of the parcels involved associated with the partial fee takings as set forth in the detailed real property reports compiled on these properties; and

WHEREAS, on April 25, 2023, the Board passed Resolution No. R-23-0419, authorizing the Passaic County Counsel to commence condemnation proceedings in the Superior Court of New Jersey on twenty-seven (27) of the seventy-one (71) parcel owners where the County and owners have been unable to reach agreement on the price for their property and/or property interests needed for the Oldham Road Improvements Project in the Township of Wayne; and

WHEREAS, the County meanwhile attempted negotiations with other parcel owners who had reached out to the County but not yet accepted the County’s offer; and

WHEREAS, the County Counsel’s Office is recommending that the Board approve the commencement of condemnation proceedings in the Superior Court of New Jersey on three (3) additional properties, such properties and property owners attached hereto as Schedule A, due to an inability to negotiate with property owners; and

WHEREAS, as required under N.J.S.A. 20:3-6 the County may proceed with condemnation proceeding if there is a rejection of the offer or failure by the property owner to accept the same with the period fixed in written offer shall in no case be less than 14 days from the mailing of the offer; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, et seq. the Purchasing Agent issued RFQ-24-042, Title Searchers and Examiners for Various Projects in Passaic County (hereafter “RFQ-24-042”) seeking qualifications for a pool of qualified title companies for calendar year 2023, to be hired on an as-needed basis, to provide professional services to the County; and

WHEREAS, on December 28, 2023, the Board passed Resolution R-23-1209 qualifying Two Rivers Title Company, LLC, to provide title work with respect to County real estate matters; and

WHEREAS, the County Counsel is recommending that the Board authorize an award of contract to Two Rivers Title Company, LLC, to perform title searches in relation to the three (3) properties with which the County seeks to commence condemnation proceedings, in an amount not

to exceed one thousand three hundred dollars (\$1,380.00) pursuant to the proposal submitted to the County Counsel dated February 23, 2024, attached hereto and submitted herewith; and

WHEREAS, funds are available in Account No. C-04-55-176-002-920, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer subject to sufficient funds being appropriated by the Board in the 2024 and/or subsequent years' County budget(s), which is attached to and made part of this Resolution; and

WHEREAS, this matter was discussed at the February 14, 2024 meeting of the Public Works Committee, and is being recommended to the Passaic County Board for approval; and

NOW THEREFORE LET IT BE RESOLVED, pursuant to N.J.S.A.20:3-6 the Passaic County Board of Commissioners hereby authorizes the Passaic County Counsel to commence condemnation proceedings in the Superior Court of New Jersey on the three (3) parcels listed in Schedule A where the County and property owners were unable to reach agreement on the price for their property and/or property interests needed for the Oldham Road Improvements Project in the Township of Wayne.

LET IT BE FURTHER RESOLVED, that the said Office of the County Counsel is further authorized to commence title searches on the three (3) parcels in issue prior to the institution of condemnation actions in the Superior Court of New Jersey.

LET IT BE FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:11-5 et seq. that the Board of County Commissioners of the County of Passaic hereby authorizing an award of contract to Two Rivers Title Company, LLC, qualified under RFQ-24-042, to perform title searches in relation to the three (3) properties with which the County seeks to commence condemnation proceedings, in an amount not to exceed one thousand three hundred dollars (\$1,380.00).

LET IT BE FURTHER RESOLVED, that the Clerk, County Counsel and Director of the Board are authorized to execute any documentation necessary to file this condemnation action on behalf of the County of Passaic.

KJB

February 27, 2024