

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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Administrator  
Nadege D. Allwaters, Esq.  
County Counsel  
Louis E. Imhof, RMC  
Clerk Of The Board

Date: Feb 27, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS ON FOUR (4) PARCELS NEEDED FOR THE DOTY ROAD BRIDGE PROJECT IN THE BOROUGH OF WANAQUE, 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.

<b>Official Resolution#</b>	
Meeting Date	2/27/2024
Introduced Date	2/23/2024
Adopted Date	
Agenda Item	37.
CAF#	C-04-55-176-002-920
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

**RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS ON FOUR (4) PARCELS NEEDED FOR THE DOTY ROAD BRIDGE PROJECT IN THE BOROUGH OF WANAQUE, 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 Doty Road Bridge Project (hereafter “Project”) that requires the County to obtain partial fee takings and/or easements owned by private parties; and

**WHEREAS**, the real estate appraisal firm Integra Realty Resources has completed real property appraisal reports 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**, 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**, the Office of the County Counsel reported to the Public Works Committee at the February 14, 2024 meeting that it has successfully negotiated the property and property interests needed from one (1) out of the five (5) parcel owners and that it has to date been unsuccessful in securing property and/or property interest needed from four (4) property owners, a list of such properties attached hereto and made a part hereof as Exhibit A; and

**WHEREAS**, while negotiations are continuing with regard to many parcels, the County Counsel’s Office is recommending that it obtain approval from the Board to commence condemnation proceedings in the Superior Court of New Jersey on these four (4) properties due to lack of responses from the 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 four (4) properties with which the County seeks to commence condemnation proceedings, in an amount not to exceed one thousand eight hundred forty dollars (\$1,840.00) 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 four (4) parcels listed in Exhibit A where the owners have failed to reach agreement on the price for their property and/or property interests needed for the Doty Road Bridge Project in the Borough of Wanaque.

**LET IT BE FURTHER RESOLVED**, that the said Office of the County Counsel is further authorized to commence title searches on the four (4) 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 four (4) properties with which the County seeks to commence condemnation proceedings, in an amount not to exceed one thousand eight hundred forty dollars (\$1,840.00).

**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