

SPONSORED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO.: _____

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS
MATTERS PURSUANT TO N.J.S.A. 10:4-12(B)(7) AND THE
ATTORNEY-CLIENT PRIVILEGE WITH JOSEPH MARAZITI, ESQ.
REGARDING NEGOTIATIONS RELATIVE TO THE CITY'S
POTENTIAL ACQUISITION OF THE UNION DRY DOCK PROPERTY**

WHEREAS, the City Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12(b)(7) and for matters falling within the attorney-client privilege, including land acquisition negotiations; and,

WHEREAS, the City seeks acquire waterfront property owned by Union Dry Dock for open space and seeks authorization from the City Council to utilize eminent domain for such acquisition if necessary; and,

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, including Joseph Maraziti, Esq., which is subject to the attorney-client privilege and which is offered regarding the above-referenced potential land acquisition and use of eminent domain.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken that it enter into closed session for the herein said purposes; and,

BE IT FURTHER RESOLVED, that when the need for confidentiality no longer exists the discussion had therein will be made available to the public.

APPROVED AS TO FORM:

BRIAN ALOIA, ESQ.
CORPORATION COUNSEL

Meeting Date: October 4, 2017

SPONSORED BY: Bhalla
SECONDED BY: Doyle

CITY OF HOBOKEN
RESOLUTION NO.: _____

ORDINANCE OF THE CITY OF HOBOKEN AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF A PORTION OF THE REAL PROPERTY LOCATED AT 901 SINATRA DRIVE, ALSO KNOWN AS BLOCK 259, LOT 1, HOBOKEN, NEW JERSEY NOW OWNED BY UNION DRY DOCK AND REPAIR COMPANY

WHEREAS, in accordance with statutory law, including, but not limited to, N.J.S.A. 40:61-1, as well as case law, the City may, acquire, lay out, improve, embellish and maintain, lands by gift, purchase, devise, or condemnation, any lands suitable for public parks, squares, open spaces, playgrounds, beaches, water fronts and places for public resort and recreation; and,

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and,

WHEREAS, in accordance with N.J.S.A. 40:68-1, the City may acquire, by purchase or condemnation, any waterfront lands necessary or advisable for the construction of waterfront improvements, including shore and hurricane protection; and,

WHEREAS, the City has identified the property located at 909 Sinatra Drive, also known as Block 259, Lot 1 on the tax maps of the City of Hoboken, and owned by Union Dry Dock & Repair Company (the “Property”), as to be acquired for the purposes set forth above; and,

WHEREAS, the City Council wishes to authorize the Mayor to retain an appraiser, environmental consultant, relocation consultant, and such other professionals as may be necessary to determine the value of and to acquire the Property; and,

WHEREAS, subject to the availability of funds and subsequent approval of an appraisal setting forth the fair market value of the Property, as remediated, the Council wishes to authorize the Mayor to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, as determined by a qualified appraiser, and if negotiated purchase cannot be effectuated, to initiate eminent domain actions to acquire title to the Property pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. so long as all funding requirements and legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain actions to completion and to thereafter prosecute such eminent domain actions to completion and to arrange for the City to satisfy any judgments entered in such eminent domain proceedings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY THAT:

Section 1. The Mayor and/or her designee, are hereby authorized to retain an appraiser, environmental consultant, relocation consultant, and such other professionals as may be necessary to determine the value of the Property and to proceed with the acquisition of the Property.

Section 2. The Mayor and/or her designee are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of 909 Sinatra Drive, Hoboken, NJ, commonly known as Block 259, Lot 1 (the "Property") in the amount not to exceed the appraised value of the Property as determined by a qualified appraiser, subject to subsequent approval by the Council of an appraisal setting forth the fair market value of the Property, for the purposes set forth above.

Section 3. Subject to the provisions set forth above, the Mayor and/or her designee, are hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the aforementioned property, land purchase contracts, and Verified Complaints, Declarations of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

Section 4. In conjunction with said acquisition, the City hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the City.

Section 5. In conjunction with said acquisition, the City hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste.

Section 6. The Mayor and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 7. A copy of the Ordinance and any agreements authorized herein shall be placed on file with the City Clerk's Office.

Section 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of

the Ordinance shall be deemed valid and effective.

Section 9. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage, approval, and publication.

Date of Introduction: October 4, 2017

Introduction:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla				
Peter Cunningham				
Michael DeFusco				
James Doyle				
Tiffanie Fisher				
David Mello				
Ruben Ramos, Jr.				
Michael Russo				
President Jennifer Giattino				

Final Reading:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla				
Peter Cunningham				
Michael DeFusco				
James Doyle				
Tiffanie Fisher				
David Mello				
Ruben Ramos, Jr.				
Michael Russo				
President Jennifer Giattino				

Approved as to Legal Form:

Brian Aloia, Esq., Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2017

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ____ day of _____, 2017

Dawn Zimmer, Mayor

STATEMENT

This Ordinance authorizes the acquisition by purchase or condemnation of 909 Sinatra Drive, Hoboken, New Jersey, commonly known as Block 259, Lot 1, on the Official Tax Map and Tax Duplicates of the City (the "Property") in an amount not to exceed the appraised value, as determined by a qualified appraiser, and subject to the subsequent approval of Council, and to hire all consultants necessary to determine the value of and for the acquisition of the Property.