

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) issued a Summons bearing Complaint No. SC-035022 for failure to maintain the exterior premises of certain real property located at 19 Elmwood Avenue, West Orange, New Jersey (the “Property”) on May 7, 2015; and

WHEREAS, the Property was examined by Forester John Linson, who determined that a tree on the Property was in dead and hazardous condition, and recommended that the tree be removed for safety immediately; and

WHEREAS, the owner of the Property (the “Owner”) was issued the Summons and failed to remove the dead tree from the Property; and

WHEREAS, the West Orange Municipal Court (the “Court”) entered an Order on January 20, 2016 (the “January 20 Order”), permitting the Township or a third-party vendor to enter onto the Property to remove the hazardous tree; and

WHEREAS, the January 20 Order was served on the Owner by posting the January 20 Order on the door of the Property, certified mail, and first class mail; and

WHEREAS, the dead tree was removed from the Property by Dujets Tree Experts, Inc., a third-party contractor hired by the Township to remove the hazardous tree; and

WHEREAS, the itemized bill for the removal of the tree, a copy of which is annexed hereto as **Exhibit A**, reflects that the total cost of the services associated with the removal of the tree was \$1,875.00; and

WHEREAS, the January 20 Order permitted the Township to seek reimbursement for the expenses incurred to abate the violation; and

WHEREAS, on March 24, 2016, the Township requested reimbursement by the Owner for the expenses incurred to abate the violation; and

WHEREAS, the Owner failed to reimburse the Township for the expenses incurred to abate the violation; and

WHEREAS, the January 20 Order permits the Township to seek an Order allowing the claim to be recorded as a lien on the Property; and

WHEREAS, the Court entered an Order on April 13, 2016 permitting the Township to record a lien on the Property, and to collect statutorily authorized interest on that lien as set forth in N.J.S.A. 54:4-67;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that a lien in the amount of \$1,875.00 shall be placed against 19 Elmwood Avenue, West Orange for the cost of services required to remove the hazardous tree on the Property; and be it further

RESOLVED that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Victor Cirilo
Council President

Adopted: May 3, 2016