

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange provided by Ordinance #2323-11, adopted on June 28, 2011, entitled “An Ordinance Authorizing the Reconstruction of the System of Sewerage and Drainage and Associated Repair, Reconstruction and Repaving of the Roadways Within the Llewellyn Park Section of the Township of West Orange as Local Improvements to be Assessed Upon the Abutting Land Pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:56-1 *Et. Seq.*, for such described work to be performed, bonded and repaid as local improvements, and

WHEREAS, N.J.S.A. 40:56-1, *et seq.*, in pertinent part provides that “a local improvement is one, the cost of which, or a portion thereof, may be assessed upon the lands in the vicinity thereof benefitted thereby”, and includes the “construction, reconstruction, enlargement or extension” of a “sewer or drain”, or “portion thereof”, or “system of works for the sanitary disposal of sewage or drainage”, and

WHEREAS, the financing for such local improvements was authorized by Ordinance #2358-12, adopted by the Township Council on June 26, 2012, and which included a \$500,000 cash contribution from the Committee of Managers of Llewellyn Park and \$3,684.305 in public debt issued by the Township of West Orange, and

WHEREAS, some additional improvements to the Park’s sewer system and roadways beyond the original contract scope, required some additional financing, the Township agreeing to fund \$600,000 for this additional work, including a \$50,000 cash contribution from the Park’s Committee of Managers and the remaining \$550,000 in public debt issued by the Township, all approved by Ordinance #2409-14, adopted on May 6, 2014, and

WHEREAS, the contract for making such local improvements was publicly bid and awarded pursuant to the laws and regulations regarding public bidding to the Sanitary Construction Company, which proceeded with and has completed construction of the project, and

WHEREAS, the costs of the improvements have been certified to the Township Council by the Tax Assessor, who has examined the work performed, viewed the lands benefitted, fixed a time and place for a hearing from all persons interested, which hearing was advertised according to law, the owners of all real estate affected notified by mail at their last known post office addresses, and the hearing held on May 30, 2017, providing all parties interested or affected by the improvements ample opportunity to be heard, and

WHEREAS, the Tax Assessor has made the assessments, certifying them to the Township Council in a signed, written report, in the form of a chart or spreadsheet prepared by the Municipal Engineer in cooperation with the Township’s Chief Financial Officer, accompanied by a map showing the real estate taken, damaged or benefitted by the improvements and for which damages or benefits have been assessed, all attached hereto and made a part hereof, all for consideration by the Township Council at its regular meeting scheduled for Tuesday, July 11, 2017, and/or any subsequent meeting of that governing body, and following consideration of that report and map, having the authority to adopt and confirm the same with or without alterations, as to the Council may seem proper, and may refer the matter to any committee of its own body, or to the Tax Assessor, for revision or correction before taking

final action upon it, and

WHEREAS, pursuant to statute, at least two week's previous notice has been given by the Municipal Clerk, each published in a newspaper circulating within the municipality once in each week for two weeks prior to the regular meeting of the West Orange Township Council scheduled for July 11, 2017, and also mailed to the owner or owners named in the report, directed to his, her, or their last known post office addresses, and an affidavit of the Municipal Clerk's Office having been provided to the Township Council to document those notices and mailings, each and all in accordance with applicable law, NOW THEREFORE,

BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that having given due and proper consideration to the report and map submitted by the Municipal Engineer and Chief Financial Officer, and certified by the Tax Assessor, copies of which report, map and certification are annexed hereto and incorporated herein, and having given the opportunity to all those affected, or potentially affected, by the proposed confirmation of assessment by the Township Council, to be heard in one or more public meetings, and having found no revision or correction needed before taking final action upon the report and map, the report and map as certified to by the Township's Tax Assessor are, and hereby are, adopted and the property tax assessments they set forth are adopted and confirmed and are final and conclusive such that appeals, if any, may be taken to the Superior Court of New Jersey within thirty (30) days after adoption of this Resolution confirming the assessments; and

BE IT FURTHER RESOLVED, that since payment of an assessment by the property owners of benefitted land was deferred by the Ordinance, to be paid in fifteen (15) annual installments, and the costs of the local improvements having been paid by the Township of West Orange, the Tax Collector is authorized to prepare and mail tax bills to the affected property owners, who shall be responsible for making payments in yearly installments, with legal interest thereon in the amount of 1.84%, over a period of fifteen (15) years, the first annual installment to be due and paid following receipt of, and in accordance with, the Tax Collector's bill for same, and subsequent annual installments to be due and paid on the same schedule in each of the succeeding fourteen (14) years, until the debt is retired.

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

Joe Krakoviak
Council President

Adopted: July 11, 2017