

## TOWNSHIP OF MONTCLAIR

### **LOCAL IMPROVEMENT ORDINANCE PURSUANT TO N.J.S.A. 40:56-3 PROVIDING FOR THE RESURFACING OF THE LOWER HALF OF BRIAR HILL ROAD, A PRIVATE STREET, IN AND BY THE TOWNSHIP OF MONTCLAIR AND AUTHORIZING THE EXPENDITURE OF \$64,000.00 OF CAPITAL FUNDS**

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July 26, 2016  
(date of introduction)

WHEREAS, owners of property located on Briar Hill Road, a private street, have petitioned the governing body of the Township of Montclair pursuant to N.J.S.A. 40:56-1 et seq. for certain street improvements, which petition is attached hereto(the "Petition"); and

WHEREAS, a need exists to improve the roadway on Briar Hill Road which is located within the Township of Montclair; and

WHEREAS, attached is a certification prepared by the Township Engineer which estimates the cost of the proposed capital improvements; and

WHEREAS, property owners on Briar Hill Road have agreed to repay the funds appropriated by the Township of Montclair to complete these street improvements in ten (10) equal annual installments; now therefore

BE IT ORDAINED, by the Township Council of the Township of Montclair as follows:

Section 1. The improvement described in Section 3 of this local improvement ordinance is hereby authorized to be undertaken by the Township of Montclair, New Jersey as a local improvement pursuant to N.J.S.A. 40:56-3.

Section 2. Capital funds are hereby authorized to be expended in the maximum amount of \$64,000.00 to pay the cost of the improvements

Section 3. The work hereby authorized is to provide for the resurfacing and related improvement to the lower half of Briar Hill Road which improvement shall benefit Lots 2,3,4,5,11,12,21,22,26,27,28,29,30,31 and Block 103 on the tax map of the Township, and includes all work and materials necessary therefor and incidental thereto.

Section 4. (a) Prior to the commencement of any work authorized by this ordinance, the plans and specifications therefore shall be approved by the Township Engineer and filed in the Office of the Clerk.

(b) The estimated cost of the improvement is equal to or less than the amount of the appropriation herein made therefor.

Section 5. The capital budget of the Township of Montclair is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. Notice is hereby given to the owners of all lots and parcels of real estate benefitted by the improvement described in Section 3 hereof and affected by the improvement

described therein that the Township of Montclair intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$64,000.00. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. The allocation of costs set forth in the Petition shall be deemed a fair and appropriate allocation. The Township will not contribute to the cost of the improvement, except to the extent of its share as a property owner benefitting from the improvement, if applicable.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in ten (10) equal yearly installments with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 8. The period of usefulness of the local improvements authorized by this ordinance, according to the reasonable life thereof computed from the date of the completion of the project is, 10 years.

BE IT FURTHER ORDAINED that the implementation of this ordinance is contingent on the availability of funds, and no work shall proceed on the improvement authorized by this ordinance until the Chief Financial Officer has certified that funds are available and has identified the Capital Account to which the funds will be charged.

**RECORD OF COUNCIL VOTE**

|                       | YES | NO | ABS | N.V | AB |                    | YES | NO | ABS | N.V. | AB |
|-----------------------|-----|----|-----|-----|----|--------------------|-----|----|-----|------|----|
| Councilor Baskerville |     |    |     |     |    | Councilor Schlager |     |    |     |      |    |
| Deputy Mayor Hurlock  |     |    |     |     |    | Councilor Spiller  |     |    |     |      |    |
| Councilor McMahon     |     |    |     |     |    | Mayor Jackson      |     |    |     |      |    |
| Councilor Russo       |     |    |     |     |    |                    |     |    |     |      |    |

**X - Indicate Vote    ABS - Abstain    N.V. - Not Voting    AB - Absent**

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance adopted by the Council of the Township of Montclair, in the County of Essex, at its meeting held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Linda S. Wanat  
Clerk of the Township of Montclair, N.J.