**ORDINANCE NO. 10-2021**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY authorizing AND CONFIRMING the special assessments calculated pursuant to statute and set forth in the report of DARMOFALSKI ENGINEERING ASSOCIATES, INC. in connection with the RED TWIG TRAIL IMPROVEMENTS to be paiD in installments over the course of ten (10) years

**WHEREAS**, the Borough Council adopted Bond Ordinance 17-2019 which authorized the issuance of bonds or notes to finance portions of the Red Twig Trail Improvement Project not paid for through grants and authorized institution of a special assessment for recovery of that portion of the project which benefitted residents’ property; and

**WHEREAS**, upon completion of the project and calculation of the assessment for each property owner, Darmofalski Engineering Associates, Inc. issued a report setting forth such assessments; and

**WHEREAS**, after due notices were given, a public hearing was held on March 4, 2021 pursuant to N.J.S.A. §40:56-25 and

**WHEREAS**, the Borough Council has considered the assessment report submitted by Darmofalski Engineering Associates, Inc. and approved of by the Borough Tax Assessor in connection with the assessment of benefit conferred upon lots and parcels of land by reason of the installation of sidewalks on Red Twig Trail as part of the Red Twig Trail Improvement Project in accordance with Bond Ordinance No. 17-2019 adopted on June 11, 2019; and

**WHEREAS**, the Borough Council finds that the appropriate notice has been given to the benefitted property owners pursuant to N.J.S.A. §40:56-25 and N.J.S.A. §40:56-30 and that the report is in proper form.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey as follows:

1. The cost of the sidewalk improvements shall be assessed against all benefitting properties as listed in the Darmofalski Engineering Associates, Inc. report attached hereto as Exhibit A revised as of March 12, 2021.
2. The special assessments assigned to the Red Twig Trail property owners as set forth in Attachment A are hereby adopted and confirmed.
3. The procedures for making and collecting this special assessment, which are set forth in N.J.S.A. §40:56-1 *et seq.* and N.J.S.A. §40:65-1 *et seq.*, have been followed in developing the information contained in Exhibit A.
4. Pursuant to N.J.S.A. §40:56-33, the special assessment shall be a lien on the property paramount to all prior or subsequent alienations and descents of such real estate or encumbrances thereon. A record of this paramount lien shall be maintained in accordance with N.J.S.A. §40:56-41.3.
5. Each Red Twig Trail property owner may make a lump sum payment of the full assessment amount within sixty (60) days of the effective date of adoption of this Ordinance which sets the special assessment, or at any time thereafter, or may pay said amount in installment payments to be made over a period of ten (10) years in accordance with the notices to be provided by the Borough Tax Collector pursuant to N.J.S.A. §40:56-35.
6. Bills for the special assessment will be sent out by the Borough Tax Collector annually.
7. If any payment is not made, except for good cause, the Borough has the right to demand payment of the entire assessment, less amounts already remitted, in full be made within fifteen (15) days of the date of demand. If full payment is not made, the Borough may pursue all legal options, including filing a lien against the property or forcing sale of the property.
8. Pursuant to N.J.S.A. §40:56-35, the governing body may permit any person who is delinquent in the payment of such an installment to pay only the amount of the delinquent payment and any interest on the delinquent payment that has accrued from the date that the installment was due and payable until the date that payment of the delinquent installment is made. After the delinquent installment is satisfied, the person assessed shall be reinstated on a regular installment payment schedule. This accommodation shall be permitted to a property owner only once throughout the course of the ten (10) years of repayment.
9. The Borough Tax Collector shall be provided with a copy of this Ordinance and is hereby directed to proceed with the collection of the assessments herein.
10. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.
11. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.
12. This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

BOROUGH OF BLOOMINGDALE

COUNTY OF PASSAIC

ATTEST: STATE OF NEW JERSEY

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Breeanna Calabro, Clerk John D’Amato, Acting Mayor