

ORDINANCE 2015-09

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING A SPECIAL ASSESSMENT FOR THE SUMMIT LAKE DAM
IMPROVEMENTS**

WHEREAS, in 2007 the Summit Lake Owners' Association sought financing from the State of New Jersey ("State") in order to enable improvements and repairs to the Summit Lake Dam; and

WHEREAS, under the 1992 New Jersey Dam Restoration and Inland Waters Projects Loan Program ("Program"), N.J.A.C. §7:24A-1 *et seq.*, a loan from the State was obtained an amount not to exceed Seven Hundred Forty-Three Thousand, Six Hundred Dollars (\$743,600.00); and

WHEREAS, pursuant to the regulations governing the Program, the municipality was required to act as co-borrower in order to qualify to receive the funds; and

WHEREAS, the Township agreed to act as co-borrower, the funds were received and the improvements commenced; and

WHEREAS, the State's Dam, Lake and Stream Project Fund, N.J.S.A. §58:4-12 authorizes the Township to assess the amount of the principal, interest, and costs for the loan against the real property benefited by the loan together with interest and penalties; and

WHEREAS, the State's Dam, Lake and Stream Project Fund, N.J.S.A. §58:4-12 authorizes the collection of the assessment in the same manner as assessments for local improvements; and

WHEREAS, all improvements were completed and the final cost of improvements was Six Hundred Sixty-Six Thousand, Eight Hundred and Thirty-Five Dollars and Seventy Cents (\$666,835.70).

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, as follows:

1. The full cost of the principal, interest, and any associated costs, fees, or penalties expended to complete the improvements and repairs of the Summit Lake Dam to the satisfaction of the New Jersey Department of Environmental Protection, together with all costs associated with establishing and enforcing the assessments, shall be assessed against all benefitting properties as listed in the chart attached hereto as Schedule A.
2. 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. §40:49-6, have been followed in developing the information in Schedule A.
3. The Township's Special Assessment Commission, with the Township's Tax

Assessor acting as consultant, was responsible for making the assessment in accordance with the statutory parameters.

4. The Township will not contribute to the repayment of any part of the costs of this local improvement.
5. The assessment shall constitute a first and paramount lien on the property pursuant to N.J.S.A. §40:56-33 and a record of same shall be maintained in accordance with N.J.S.A. §40:56-41.3.
6. The assessment shall be paid in annual installments, plus interest, over the course of fifteen (15) years. Bills for the assessment will be sent out by the Tax Collector, separate and apart from any tax bills. There will be no penalty for prepayment.
7. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
8. All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
9. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.

ATTEST:

**JANE BAKALARCZYK
TOWNSHIP CLERK**

**CARL B. MILLER
MAYOR**

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on March 25, 2015. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on April 22, 2015, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk