

ORDINANCE NO. 18-2024

AN ORDINANCE AUTHORIZING A SPECIAL ASSESSMENT FOR LAKE REALTY HOMEOWNERS ASSOCIATION'S DAM REHABILITATION PROJECT

WHEREAS, Lake Realty Homeowners Association, Inc. applied to the State of New Jersey through the NJDEP for a \$750,000 Loan ("Loan") from the "Dam Restoration Loan Program" pursuant to P.L 2019 c26. which Loan was approved by the State of New Jersey for the repair of the Lake Reality Dam; and

WHEREAS, as a condition of the Loan, the Borough of Kinnelon is required to serve as co-borrower as required by N.J.A.C. 7:24A-4.1(d); and

WHEREAS, the Borough of Kinnelon, Lake Realty Homeowners Association and the State of New Jersey desire to enter into an Agreement for the Loan in the form attached hereto; and

WHEREAS, Pursuant to the Loan Agreement, Lake Realty Homeowners Association will complete the repairs to the dam as set forth in the Loan Agreement; and

WHEREAS, the Borough of Kinnelon is authorized under N.J.S.A. 40:56-1 and N.J.S.A. 58:4-12, to institute Special Assessments for the repayment of the Loan; and

WHEREAS, Lake Realty Homeowners Association has certified to the Borough of Kinnelon that the total cost for the dam repairs and the total loan amount is to be repaid to the State of New Jersey will not exceed \$750,000.00; and

WHEREAS, the Borough of Kinnelon, in addition to the amount of the Loan, is authorized to include all reasonable and necessary costs incurred by the Borough of Kinnelon in adopting and administering the Special Assessment Ordinance and in making and collecting the Special Assessments levied thereunder, as well as any other costs incurred by and in connection with repayment of the Loan, including interest.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Kinnelon as follows:

Section 1. The Borough of Kinnelon shall impose a special assessment in the amount of \$750,000.00, which shall be assessed against the benefited properties, pursuant to N.J.S.A. 40:56-1 et seq. and N.J.S.A. 58:4-12 et seq. in accordance with the Special Assessment statutes including but not limited to N.J.S. A. 40:56-27.

Section 2. The Borough of Kinnelon shall not be responsible for contributing to the payment of the Loan except upon the default of the Lake Realty Homeowners Association.

Section 3. The Special Assessment assessed against each impacted property shall constitute a first and paramount lien as provided for under N.J.S.A. 40:56-33.

Section 4. The Borough's Special Assessment Commission, acting with the assistance of a New Jersey Licenses Appraiser shall be responsible for making the assessment in accordance with the statutory parameters.

Section 5. Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 6. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

Section 7. Effective Date. This ordinance shall take effect after publication and passage according to law.

Karen Iuele, Borough Clerk

James Freda, Mayor