

TOWNSHIP OF WANTAGE

**AN ORDINANCE AUTHORIZING SPECIAL TAX ASSESSMENT
FOR LAKE NEEPAULIN DAM RECONSTRUCTION**

ORDINANCE #2008-16

WHEREAS, the dam on Lake Neepaulin has deteriorated to the point where the State of New Jersey is requiring the Friends of Lake Neepaulin, Inc. (“Lake Neepaulin”) to repair the Dam; and

WHEREAS, Lake Neepaulin has determined to repair the Dam in order to prevent the draining of the lake which Lake Neepaulin believes would be detrimental to property values in Lake Neepaulin; and

WHEREAS, Lake Neepaulin by-laws do not provide for strong enforcement authority over its members, and therefore Lake Neepaulin cannot institute its own assessments for this work; and

WHEREAS, Lake Neepaulin has requested that the Township of Wantage assist Lake Neepaulin by instituting a Special Tax Assessment to pay for the repairing of the Lake Neepaulin Dam; and

WHEREAS, the Township is willing to assist Lake Neepaulin in accomplishing this goal for the betterment of the residents of the Lake Neepaulin community; and

WHEREAS, the Township is authorized under N.J.S.A. 40:56-1 and 58:4-12, to institute Special Tax Assessments for the maintenance and upkeep of private dams; and

WHEREAS, the statute permits a Special Tax Assessment for “the widening, deepening or improvement of any stream, creek, river or other waterway”; and

WHEREAS, Lake Neepaulin has made application to the State of New Jersey for a low cost Dam Restoration loan; and

WHEREAS, the Township has agreed to support this loan application by signing as a co-applicant; and

WHEREAS, Lake Neepaulin has estimated the cost of the repair work to the Dam to be approximately \$1,000,000 and

WHEREAS, pursuant to the Special Tax Assessment statute, “project costs” include principle, interest, associated costs, fees, and/or penalties on loans,

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wantage as follows:

Section 1. The “project costs” as defined above, expended for the completion of the Lake Neepaulin Dam Reconstruction Project (“the Project”) to the satisfaction of the NJDEP shall be assessed against properties within the Lake Neepaulin community.

Section 2. The Township Clerk shall cause a notice of this proposed assessment to be mailed to the owner(s) of real estate impacted by the Special Assessment prior to the making of the improvement or the awarding of any contract for the improvement. The notice shall contain a description of the property impact sufficiently to identify it. Such notice shall be served in accordance with law and proof of service shall be filed with the tax office within ten (10) days after service.

Section 3. The Township will not contribute to the payment of the project costs.

Section 4. 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 5. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. 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 7. 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 8. Effective Date. This ordinance shall take effect after publication and passage according to law.

F. Parker Space, Mayor

ATTEST:

James Doherty, Administrator/Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of Wantage, County of Sussex, New Jersey, held on September 25, 2008, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Township Committee to be held on October 30, 2008 at 8:00 p.m. in the Municipal Building, Route 23, Wantage, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

James Doherty, Administrator/Clerk