

**CITY OF PASSAIC**  
**ORDINANCE NO. \_\_2516-26\_\_**

**ORDINANCE AUTHORIZING THE EXCHANGE OF REAL PROPERTY  
BETWEEN THE CITY OF PASSAIC AND THE PASSAIC BOARD OF  
EDUCATION PURSUANT TO N.J.S.A. 40A:12-16**

**WHEREAS**, pursuant to N.J.S.A. 40A:12-16, the governing body of a municipality may, by ordinance, exchange lands owned by it for other lands desired for public use, and may receive or pay cash in addition to lands; and

**WHEREAS**, N.J.S.A. 40A:12-16 requires that the governing body determine that: (1) the land to be received by the municipality, together with any cash consideration, is at least equal in value to the land to be conveyed by the municipality; (2) the acquisition is more advantageous to the municipality for public use than the lands conveyed; and (3) the exchange is in the public interest; and

**WHEREAS**, the City of Passaic owns property designated as Block 2205, Lot 14 on the Tax Map of the City of Passaic, located in the City of Passaic, Passaic County, New Jersey, commonly known as 81 Passaic Avenue (the "City Property"); and

**WHEREAS**, the Passaic Board of Education owns property designated as Block 2205, Lot 1 and Block 2205, Lot 19 on the Tax Map of the City of Passaic, located in the City of Passaic, Passaic County, New Jersey, commonly known as 170 Paulison Avenue (the "BOE Property"); and

**WHEREAS**, the City and the Passaic Board of Education desire to exchange portions of their respective properties to facilitate the public purposes of both entities; and

**WHEREAS**, pursuant to the proposed exchange, the City will convey to the Passaic Board of Education the following portions of the City Property:

- (a) A portion of Block 2205, Lot 14, consisting of approximately 1,697 square feet (0.040 acres), to be merged into Block 2205, Lot 1 ("Parcel B"); and
- (b) A portion of Block 2205, Lot 14, consisting of approximately 685 square feet (0.016 acres), to be merged into Block 2205, Lot 19 ("Parcel A"); and

**WHEREAS**, pursuant to the proposed exchange, the Passaic Board of Education will convey to the City the following portion of the BOE Property:

- (a) A portion of Block 2205, Lot 19, consisting of approximately 4,500 square feet (0.103 acres), to be merged into Block 2205, Lot 14 ("Parcel C"); and

**WHEREAS**, the parcels to be exchanged are more particularly described in the metes-and-bounds legal descriptions prepared by LAN Associates Engineering, Planning, Surveying, Architecture, Inc. and attached to the Contract for Exchange of Real Estate; and

**WHEREAS**, under the proposed exchange, the City will convey a total of approximately 2,382 square feet (Parcels A and B combined) to the Passaic Board of Education and will receive approximately 4,500 square feet (Parcel C) from the Passaic Board of Education; and

**WHEREAS**, the City Council has reviewed and analyzed valuation information regarding the parcels to be exchanged, including assessed values, market data, and other relevant information; and

**WHEREAS**, based upon such review and analysis, the City Council has determined that the exchange of Parcels A and B (City to BOE) for Parcel C (BOE to City) constitutes a fair and reasonable exchange of at least equivalent value for public purposes, and that no cash equalization payment is required; and

**WHEREAS**, the City Council finds that the land to be received by the City (Parcel C), consisting of approximately 4,500 square feet, is at least equal in value to the land to be

conveyed by the City (Parcels A and B), consisting of approximately 2,382 square feet combined; and

**WHEREAS**, the City Council finds that the acquisition of Parcel C is more advantageous to the City for public use than the retention of Parcels A and B, as the exchange will result in a net increase in City-owned property, will improve the configuration of the City Property for public purposes, and will facilitate efficient land use by both the City and the Board of Education; and

**WHEREAS**, the City Council finds that the exchange is in the public interest, as it will benefit both the City and the Passaic Board of Education by rationalizing property boundaries, facilitating the public purposes of both entities, and promoting the efficient use of public lands.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Passaic as follows:

#### **SECTION 1. Findings.**

The City Council hereby makes the following findings and determinations as required by N.J.S.A. 40A:12-16:

A. The land to be received by the City of Passaic from the Passaic Board of Education, consisting of approximately 4,500 square feet of Block 2205, Lot 19 (Parcel C), is at least equal in value to the land to be conveyed by the City of Passaic to the Passaic Board of Education, consisting of approximately 2,382 square feet of Block 2205, Lot 14 (Parcels A and B combined).

B. The acquisition of Parcel C from the Passaic Board of Education is more advantageous to the City of Passaic for public use than the retention of Parcels A and B, in that the exchange will result in a net increase in City-owned property, will improve the configuration of City-owned land for public purposes, and will facilitate efficient land use by both public entities.

C. The exchange is in the public interest, as it will benefit both the City of Passaic and the Passaic Board of Education by rationalizing property boundaries, facilitating the public purposes of both entities, and promoting the efficient use of public lands for the benefit of the residents of Passaic.

#### **SECTION 2. Authorization of Exchange.**

The City Council hereby authorizes the exchange of real property between the City of Passaic and the Passaic Board of Education as follows:

A. The City of Passaic shall convey to the Passaic Board of Education: (i) a portion of Block 2205, Lot 14, consisting of approximately 685 square feet, to be merged into Block 2205, Lot 19 (Parcel A); and (ii) a portion of Block 2205, Lot 14, consisting of approximately 1,697 square feet, to be merged into Block 2205, Lot 1 (Parcel B).

B. The Passaic Board of Education shall convey to the City of Passaic a portion of Block 2205, Lot 19, consisting of approximately 4,500 square feet, to be merged into Block 2205, Lot 14 (Parcel C).

#### **SECTION 3. Legal Descriptions.**

The parcels to be exchanged shall be conveyed in accordance with the metes-and-bounds legal descriptions prepared by a New Jersey Professional Land Surveyor, which legal descriptions shall be incorporated into the deeds delivered at closing.

#### **SECTION 4. Authorization to Execute Documents.**

The Mayor is hereby authorized to execute, on behalf of the City of Passaic, the Contract for Exchange of Real Estate with the Passaic Board of Education, bargain and sale deeds with covenants as to grantor's acts or quitclaim deeds, and any and all other documents necessary or appropriate to effectuate the exchange of properties authorized herein. The City Clerk is hereby authorized to attest to the Mayor's signature and to affix the corporate seal of the City of Passaic to all such documents.

**SECTION 5. Additional Actions.**

The Mayor, City Clerk, City Attorney, and all other appropriate City officials are hereby authorized to take all actions and execute all documents necessary and appropriate to implement this ordinance and to complete the exchange of properties, including without limitation the execution of affidavits, tax forms, title documents, and any documents required to effectuate the merger of the exchanged parcels with their respective receiving lots.

**SECTION 6. Repealer.**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 7. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 8. Effective Date.**

This ordinance shall take effect upon final passage and publication as provided by law.

THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC, N.J. HELD FEBRUARY 3, 2026 THE SAME WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE BY THE CITY COUNCIL AT THE COUNCIL CHAMBERS LOCATED AT 330 PASSAIC STREET, PASSAIC, NJ, AT THE MEETING OF FEBRUARY 17, 2026 AT 7:00 P.M. ALL PERSONS INTERESTED WILL BE GIVEN THE OPPORTUNITY TO BE HEARD CONCERNING THIS ORDINANCE.

By Order of the City Council

Dated: February 3, 2026