

# Orange sues county over reservoir land

By John Zucal  
Staff Writer

After more than a year of complaints and threats, city officials in Orange have filed a lawsuit against Essex County in a matter concerning the Orange Reservoir.

City officials seek \$1 million in the lawsuit, which was filed April 6. They said that amount would be reimbursement for what they claimed would have been the rental of more than 1,600 feet of property which has been used to operate a small train that runs through the neighboring Turtle Back Zoo.

The 100-acre property along Northfield Avenue in West Orange has been the subject of complaints from Orange officials and City Council members following a request from county officials to purchase the land. The reservoir is located within a string of three county-owned properties: the Richard Codey Arena, Turtle Back Zoo and a miniature golf course at the intersection with Cherry Lane.

County officials initially made an attempt

to purchase the reservoir from the city in late 2009. Joseph DiVincenzo Jr., the county executive, stated at the time that plans seek to join the properties and construct a boathouse and restaurant that would overlook the lake that covers at least three-fourths of the property.

In a letter to DiVincenzo, Mayor Eldridge Hawkins Jr. strongly rejected the sale offer, which reportedly was between \$600,000 and \$800,000. In that letter, Hawkins also referred to the train which carries zoo visitors through the park. The train, Hawkins stated, travels approximately 1,660 feet within the reservoir, which is surrounded by the South Mountain Reservation.

This “trespass” is the basis for Orange’s lawsuit. City officials claim that since 2002, the train’s function have caused damage to its plants and grass, which they said has damaged the property.

In a statement Monday, DiVincenzo said the train has operated for nearly 50 years. In

addition, he stated the city sought \$1 million from the county for the reservoir.

“It is unfortunate that the city of Orange is using our disagreement about the future development of the Orange waterway to hurt the children who visit and enjoy Turtle Back Zoo,” said DiVincenzo.

The back-and-forth battle continued until shortly before the lawsuit was filed. County officials reportedly said in January 2010 the county would not lease all or part of the reservoir. Instead, they made another sale offer, which has been reported to be approximately \$700,000.

“This pitiful offer is not acceptable for land that West Orange Township has valued at approximately \$2.1 million based on its assessment,” Hawkins stated in a Feb. 14 statement. The mayor said the city was not interested in selling the reservoir but would entertain a long-term lease that would provide Orange with financial benefits.

The reservoir, however, recently was

assessed at \$700,000 as part of West Orange’s tax revaluation this winter, the township’s Tax Assessor’s Office stated Monday in response to a request under the state’s Open Public Records Act.

Hawkins also claimed county officials have threatened the use of eminent domain to take ownership at a low-market value.

DiVincenzo said not only would the county’s residents benefit from county ownership of the reservoir, it would clear an eyesore from the string of county properties.

“Orange has demonstrated an inability to maintain and secure the Orange Reservoir property,” said DiVincenzo. “This neglect has led to extremely hazardous conditions on and along the waterway and in the abandoned water utility buildings.”

Orange has an additional problem in that the city owes approximately \$602,000 in property taxes to West Orange and a private holder of a tax lien purchased in 2005, the

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township’s Tax Collector’s Office stated Monday in response to another OPRA request. The city owes the township nearly \$170,000 since West Orange started holding a second lien in March 2010, which included taxes from 2009.

The tax amounts are current as of April 6, according to the Tax Collector’s Office. Joanne Gagliardo, West Orange’s tax collector, said the township has been sending computer-generated late notices to City Hall every month.

DiVincenzo said he believes the courts will find the county’s actions have followed the law and “Orange’s attempt to extract \$1 million from the county taxpayers” would be dismissed.

Hawkins vehemently denied DiVincenzo’s claim of a sale offer.

“I have made no such indication or offer; for him to suggest I made such an offer is an outright lie, and in no way did it come from anyone else

in authority,” Hawkins said Monday. “It never has been for sale and is not for sale. We have indicated we would be able to utilize a lease option.

Possibly in an attempt to bolster their case, Orange officials have begun their own plans to develop part of the reservoir. On March 28, the city’s Department of Planning and Economic Development sent out a Request for Proposals for entities who would be interested in a long-term lease to develop and operate no more than 10 acres of the property for recreational purposes.

Hawkins said city officials need to look into the potential of development.

“We owe it to the residents to look at options,” said Hawkins. “During this tough economic situation, we need to examine every potential source of revenue. In this case, we have the opportunity to conceptualize any options.”

June 6 is the deadline for bid submissions.

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