



July 20, 2011

Dear Council members,

The County is giving municipalities a one-time opportunity to repurpose Open Space Trust Funds that have not been used to date, per the attached letter.

As you may be aware, we have \$3 million in funding for the Henkel site, now owned by BASF. This property, with its severe environmental issues, is still very much a goal of acquisition, but not something that could be acquired within the next 12 months.

My Administration has prepared the application to repurpose the funds for Sinatra Park, as it represents the most shovel-ready project, which can be built as soon as the DEP permit is received.

Southwest Hoboken however remains a top priority for my Administration. Unfortunately, despite our best efforts, we have found no willing sellers in the Southwest. In light of this fact, the only way that the funds could be repurposed for the Southwest would be if my Administration has assurances that the Council would support the use of eminent domain if it became necessary to acquire land for parks in this neighborhood. Please understand that eminent domain can and would only be used after good faith negotiations have failed. The eminent domain process is designed to assure that the property owner receives a full fair market value of their property.

This legal option would enable Hoboken to acquire land for park space.

Given property owners' inflated expectations of the development value of their property, it may be impossible to acquire land for park space at prices fair to the City's taxpayers without this tool available. It is my hope that the knowledge that the City would use eminent domain if necessary will create a dynamic in the negotiations that would ironically cause the use of eminent domain to be unnecessary. Without this tool, the City simply will not have sufficient negotiating leverage to be able to acquire park land, except at highly inflated developer-driven prices.

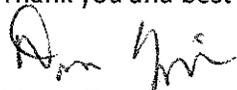
If the Council votes in support of the attached resolution regarding eminent domain, then we will apply to repurpose the funds to the Southwest and will acquire property to begin creating the Southwest Park within one year. If the Council is either not willing to support the use of eminent domain or is not willing to make a decision on this issue at this time, then the funds will be repurposed to Sinatra Park to ensure that the \$3 million in open space county funding will not be lost to the City at the end of 12 months.

OFFICE OF THE MAYOR

The County has granted a one-day extension on the application to provide time for me to consult with the City Council on this matter.

If you consider yourself a parks advocate, then I ask you to provide my Administration with the legal tool that we need to negotiate with property owners from a position of strength. If the City cannot acquire property for fair market prices then we will be unable to deliver on our promises to provide adequate park space to our residents.

Thank you and best regards.

A handwritten signature in black ink, appearing to read "Dan Zimmer". The signature is written in a cursive style with a large initial "D".

Mayor Zimmer