

BEFORE THE SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35042

U S RAIL CORPORATION EXEMPTION NOTICE

OPPOSITION STATEMENT OF THE CITY OF PATERSON, NEW JERSEY

SUSAN E. CHAMPION
Corporation Counsel
Law Department of the City of Paterson
155 Market Street
Paterson, NJ 07505
(973) 321-1366

Counsel for the City of Paterson

By: Ben-David Seligman
Assistant Corporation Counsel

Dated: July 25, 2007

OVERVIEW OF OPPOSITION STATEMENT

The City of Paterson, New Jersey, per its June 26, 2007 Notice of Intent in FD-35042, and in reply to US Rail filings of June 6 and July 5, now submits this Opposition.

US Rail has provided this Board with a factual record pervaded by false and misleading information, as well as factual gaps, regarding the following: 1) a contract whose existence NYS&W denies; 2) a business entity of uncertain identity; 3) an admitted plan to transport debris; 4) sensitive receptors in a non-attainment area; 5) the nature of a lumber yard's on-site rail usage, beginning over 70 years ago, but terminated approximately 40 years ago; 6) an eminent domain action that pre-dates the first filing submitted to this Board; 7) the size of the City in question; 8) the site's location near the geographic center of a densely-populated City; 9) the residential nature of the neighborhood in question; and 10) the City's alternative plan for the site. Because the US Rail filings present false and misleading information, under 49 CFR 1150.42(c) the exemption is ab initio void.

With reference to STB precedent, there are several grounds for this Board not to employ the "notice of exemption" process, including the absence of "continued rail service," see Class Exemption, 1 I.C.C.2d 810 (1985), and the presence of substantial governmental opposition based on local concerns, see Riverview Trenton, FD-33980, at 7 (served February 15, 2002). Furthermore, this matter is factually similar to Jefferson Terminal, FD-33950 (served March 19, 2001), and so the exemption notice should be rejected on the grounds of factual and legal issues, and on the grounds that US Rail concealed the existence of a condemnation action against the proposed site.

OPPOSITION ARGUMENT

I. US RAIL'S FILINGS ARE FALSE, MISLEADING AND VOID

A. Legal Standards

If a notice of exemption contains false or misleading information, the exemption is void ab initio. 49 CFR 1150.42(c); see also Jefferson Terminal, FD 33950 (served Mar. 19, 2001) (explaining significance of lack of candor). Here, false and misleading information pervades the submissions of US Rail, and so the notice of exemption is void.

B. US Rail's Assertions and Omissions

1. Assertions Regarding NYS&W

US Rail stated it "will interchange. . . 2000 carloads of freight" per year with NYS&W. See Verified Notice of Exemption, June 6, 2007 ("Verified Notice") at 6 (response pursuant to 49 CFR 1150.43(e)). NYS&W clarified that no agreement had been reached, nor did a rail connection exist. See NYS&W Response, June 11, 2007.

2. Identification of the Property Owner

US Rail identified the property owner as "Shannon G., 737 Broad Street, Clifton, NJ 07013." Verified Notice at 4 (response pursuant to 49 CFR 1150.43(e)(1)). In various filings, 3 addresses are linked to "Shannon G., LLC," and 1 of the 3 is fictitious.

The entity's certificate of incorporation – and its deed to the site in question – each state an address of "c/o Charles Michael Damian, LLC, 482 Notch Road, West Paterson, NJ 07424." See OA1 (Feb. 1, 2006 incorporation);¹ OA2 (Jul. 27, 2006 deed). Accordingly, the City of Paterson's purchase offer was directed to that address. See OA3 to OA5 (Feb. 12, 2007 offer). The address provided to the STB first appears in a letter

¹ References herein to the Opposition Appendix submitted herewith designate page 1 as "OA1," page 2 as "OA2," and so on.

from "Carl G. Zoecklein, Esq." rejecting the City's purchase offer. See OA6 (Feb. 21, 2007 rejection, sent from Clifton, NJ address). Finally, John Lira stated himself to be 50% owner of Shannon G., LLC, and stated an office address of "694 Main Avenue, Paterson, NJ 07055." See Lira Statement at 1, attached to Supplemental Information, July 3, 2007 (hereinafter "Supplemental Information"). That address is fictitious. There is no "Main Avenue" in the City of Paterson, and "07055" is not a Paterson zip code.

Additionally, as Homeland Security issues create concern as to who controls transportation sites, Mr. Lira's declared status as 50% owner of the entity holding title to the site raises a question of potential concern to this Board: who owns the other 50%?

3. Commodities to be Transported

US Rail stated it "does not intend to solicit and does not expect to handle any sort of waste traffic including construction and demolition debris." See Verified Notice at 5 (response pursuant to 49 CFR 1150.43(e)). That assertion, however non-committal, is belied by the admissions of Shannon G. representatives. In the course of real property negotiations, a Shannon G. representative admitted to a local landowner (whose property abuts the north side of the current Shannon G. site) that Shannon G.'s purpose in acquiring its current lot, and in seeking to acquire the lot to the north, was for a railroad operation involving the loading and transfer of construction and demolition debris. See OA7 (Verified Statement of Wagner). That admission as to debris was corroborated approximately 2 months ago. See OA8 (Verified Statement of Smith).

4. Foreseeable Environmental Effects

US Rail claimed environmental exemption because it will not "exceed the thresholds" of 49 CFR 1105.7(e) (4) and (5). That assertion is factually questionable.

The proposed operation will have an “effect. . . on recyclable commodities.” See 49 CFR 1105.7(e) (4) (ii). Specifically, the City’s eminent domain action (which preceded U.S. Rail’s verified notice) was filed to acquire the site for an indoor drive-through consumer recycling center. See OA9 to OA13 (Apr. 25, 2007 complaint); OA14 to OA18 (Oct. 20, 2006 cover and diagrams from Public Works proposal). The US Rail operation would block the proposed City facility from being built.

Air quality review is also triggered. The City of Paterson is located within the Passaic County ozone non-attainment area and PM 2.5 non-attainment area under the Clean Air Act. See 40 CFR 81.331 (attainment status for New Jersey). US Rail proposes to haul “2,000 carloads of freight per year.” See Verified Notice, at 6-7. Thus, the proposed operation can potentially cause “an increase of at least three trains a day on any segment of rail line” within a “non-attainment area.” See 49 CFR 1105.7(e)(5)(ii)(C).

As for noise, the area includes “sensitive receptors,” defined as “e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes.” See 49 CFR 1105.7(e)(6). Specifically, within a 200 foot radius of the site there are a substantial number of private residences, nearly all of which are constructed as 2-family homes: 11 such residences are located within the 200 foot radius on Lawrence Place, and 10 within the 200 foot radius on Fulton Place, for a total of 21 residences housing approximately 42 families. See OA19 to OA27 (200 foot map, and tax assessor listings); see also Color Photographs 1 & 2 (depicting proximity to residences)². Also within the 200 foot radius, utilizing a portion of City-owned property at the corner of Lafayette Street and East 16th Street, is the “Putnam Oval,” a long-standing children’s baseball field. See Color

² Color Photographs 1 through 3 are each approximately 8 ½ x 11 inches, and, rather than being included in the opposition appendix, they are submitted as individual PDF files.

Photograph 3 (depicting baseball field). Finally, just beyond the 200 foot radius – literally 210 feet from the site – is the site of the Dr. Norman Cotton Apartments, at the corner of Fulton Place and Rosa Parks Boulevard a low income senior citizen residential facility overseen by the Paterson Housing Authority. See Color Photograph 2 (depicting multi-story senior citizen residence overlooking the US Rail site); see also <http://www.state.nj.us/dca/codes/affdhsgguide/pdf/passaic.pdf> (listing the Norman Cotton Apartments as senior-disabled housing).

5. Prior Rail Operations (1930's through 1960's)

US Rail claimed exemption from historical review under 49 CFR 1105.8(b)(1) because prior operations “will continue.” See Verified Notice, at 7. However, the site has had no railroad-related use for about 40 years. See OA28 (Mendelsohn statement). Any pre-existing track on the site is likely over 50 years old, since – from the 1930's (or earlier) through 1967 – the spur extending from the NYS&W line was used only by Stiles Lumber Yard to receive lumber for on-site resale to the public. See id.

6. Eminent Domain Action

Though at the time of its Verified Notice, US Rail was actively defending against the City's eminent domain action, nonetheless the Notice is silent as to the action's existence. Compare Verified Notice with Jefferson Terminal, FD 33950 (service date March 19, 2001) (revoking notice for lack of candor as to condemnation action). Furthermore, US Rail's Supplemental Information (filed after Paterson notified this Board of the action) is misleading as to dates, and can be construed to imply that the eminent domain action was commenced after the STB filing. See Supplemental

Information at 4 n.1 (noting no date earlier than a June 28, 2007 restraining order). The procedural timeline relating to the eminent domain action is as follows:

- On February 12, 2007, the City offered Shannon G. \$1,260,000 for the property, expressly noting that if the offer were rejected an eminent domain proceeding would commence. See OA3 to OA4.
- On February 21, 2007, Shannon G. rejected that offer as too low, without stating, implying or alleging that the lot might be put to railroad use. See OA5.
- On May 15, 2007, Paterson served Shannon G. with a verified complaint. See OA9 to OA13; see also OA28a (acknowledgment of service).
- On May 28, 2007, in its answer to the complaint, Shannon G., first alleged that the property was to be used for railroad purposes. See OA29 to OA30.
- On June 6, 2007, Shannon G. presented this Board with a verified notice of exemption, without mentioning the eminent domain action. See Verified Notice.
- On June 27, 2007, though apparently no rails had been laid until on or shortly before then, a City building inspector saw rails being laid. See OA31 to OA32.
- On June 28, 2007, the Superior Court issued a temporary cease and desist order enjoining further railroad-related construction on the site, pending a subsequent hearing as to whether to enjoin such activity during the entire pendency of the STB proceeding and any appeals therefrom. See OA33 to OA34 (Order).
- The subsequent hearing is scheduled for August 6, 2007, and until then the temporary order governs. See OA35 (letter to Court); OA36 (Court's response).

7. Size of the City

US Rail stated Paterson's population as 300,000. See Lira Statement at 4, attached to Supplemental Information. Though the 2000 U.S. Census measured the population as 149,222, there is no reason to believe the City's size has doubled in 7 years.

8. The Site's Location within the City

US Rail's application is silent as to the environmentally significant matter of the site's location within the City. The site US Rail proposes to use for transloading from idling diesel trucks to idling diesel trains is not on the outskirts of a town, but is instead in

the heart of a densely populated city of about 150,000 residents. To reach the site, those diesel-powered trucks, foreseeably straining under the weight of the rocks they haul, must pass through 1.7 miles of densely-populated urban streets if approaching from State Route 19, or 0.9 miles if approaching from State Route 20, or – by far the most likely possibility – 1.7 miles if approaching from America’s longest highway, which connects New York to San Francisco: Interstate 80. See OA37 to OA40 (road map and Paterson maps). Rather than utilizing a railroad as a means of reducing public exposure to diesel truck exhausts, instead the proposed operation would draw straining rock-laden diesel trucks into the heart of a city, through stop-and-go traffic, over miles of populated streets.

9. Nature of the neighborhood

With reference to the site for the proposed transloading operation, US Rail stated that “most of the neighboring enterprises are of an industrial or commercial nature,” that “this neighborhood has historically been industrial in nature,” and further stated that the site, though now classified as a redevelopment area, was previously zoned for industry. See Lira Statement at 1, 3-4 attached to Supplemental Information. That description presents a false picture of the neighborhood.

As noted above, within a 200 foot radius of the site there are 21 free-standing private residences (nearly all are 2 to 3 family homes) and a children’s baseball field. See OA19 to OA27 (200 foot map, and tax assessor listings); see also Color Photographs 1 and 2 (depicting proximity to residences). Furthermore, as further noted above, just beyond the 200 foot radius – literally 210 feet away – is the site of a low income senior citizen residential facility. See Color Photograph 2 (depicting large multi-story senior citizen residence overlooking the US Rail site). In contrast, there are only 17 properties

in the 200 foot radius that are not exclusively devoted to residential use. See OA19 to OA27 (200 foot map, and tax assessor listings). Thus, by a count of 21 to 17, the majority of the lots in the area are devoted to exclusively residential use. See id.

Though Paterson does not seek to decide questions of local zoning law in this forum, nonetheless, since US Rail cites local zoning law as evidence of the asserted reasonableness of the proposed use, Paterson must respond. The “industrial” zoning that US Rail cites as having once applied to the lot in question is “I-1” zoning (“Light Industrial”) not “I-2” (“Heavy Industrial.”) I-1 zoning includes “light manufacturing,” “warehousing,” and “wholesale uses,” not heavy industry such as rock loading! See Paterson Code, §500-2.1J. Furthermore, on December 29, 2003 (2 ½ years before the site was purchased for railroad use) Paterson passed an ordinance adopting the “Fourth Ward Redevelopment Plan,” superseding prior zoning standards. See OA2 (Jul. 27, 2006 deed to Shannon G., LLC); Paterson Code §500-2.4 (redevelopment plan supersedes prior zoning); OA41 to OA44 (adoption of redevelopment plan).

In sum, the site was never zoned for heavy industry, and, 2½ years before Shannon G.’s purchase, the land was re-designated for community development, consistent with the fact that 21 of 38 nearby lots had already been put to residential use.

10. Nature of the Facility Planned by the City

US Rail stated that the Paterson, via eminent domain, seeks to use the disputed lot as a “truck garage” for the Department of Public Works. See Lira Statement at 4, attached to Supplemental Information. Instead, the City’s action seeks to acquire the site to build a Department of Public Works indoor drive-through consumer recycling center. See OA9 to OA13 (Apr. 25, 2007 verified complaint); OA14 to OA18 (October 20, 2006

cover and diagrams from Department of Public Works proposal). The location is logical, since the current Public Works facility at Lot 3203 (which the drive-through recycling facility would supplement) is next to the disputed Lot 3202, separated only by the existing NYS&W line. See OA19 (map of the lots). The City intends, consistent with its "Fourth Ward Redevelopment Plan," see OA41 to OA44, to develop the community by building an indoor drive-through consumer recycling center, which will foreseeably advance environmental goals and reduce litter in the adjoining residential area.

C. Application of Legal Standard to US Rail's Assertions and Omissions

Because of the false, misleading and inexcusably inadequate information presented by US Rail, see supra, I.B.1 through I.B.10, the exemption is void ab initio.

II. THE PROPOSED OPERATION DOES NOT QUALIFY FOR CLASS EXEMPTION PROCEDURE

The exemption procedure was created to "serve shippers and community interests by facilitating continued rail service, on lines that the selling carrier could no longer operate profitably, by new, smaller carriers. . ." See Class Exemption, 1 I.C.C.2d 810 (1985) (emphasis added). Here, however, the last railroad-related activity on the site occurred in approximately 1967: from the 1930's (or earlier) through approximately 1967, Stile's Lumber Yard received lumber deliveries via a private spur, and resold the lumber on-site to retail customers. See OA28 (Mendelsohn statement). The pre-1967 operation (i.e., receiving lumber for a single business) was entirely different from that proposed by US Rail (i.e., transloading rocks and other heavy cargo belonging to outside shippers). Given the real difference between the pre-1967 operation and the proposed operation, and given that US Rail intends to use freshly-constructed track to resurrect a

location that has had no railroad-related activity for 40 years, there is no basis for designating US Rail's proposed operation as "continued rail service."

Furthermore, this Board recognizes that exemption is inappropriate for transactions that "attract substantial controversy and opposition," including governmental opposition. See Riverview Trenton, FD-33980, at 7 (served Feb. 15, 2002). There, the Board received an opposing petition from the county where the rail site was located. See id. at 8. This Board concluded that, given the county's concerns, the proposal merited "more scrutiny" than exemption could provide. See id. at 8. Here too, substantial government opposition renders exemption inappropriate.

In sum, there are at least 2 independent grounds for this Board not to employ the "notice of exemption" process: there is no "continued rail service," see Class Exemption, supra, and there is substantial governmental opposition based on local concerns, see Riverview Trenton, supra. Thus, US Rail's notice of exemption should be rejected.

III. UNDER JEFFERSON TERMINAL, THE EXEMPTION MUST BE DENIED

The facts of this matter are remarkably similar to the facts of Jefferson Terminal, FD-33950 (served March 19, 2001). The following are among the similarities:

1) A Municipal Condemnation Action Preceded an STB Filing: In Jefferson Terminal, the City of Detroit began a condemnation action against private land on April 18, 2000, and the condemnation was followed by an October 19, 2000 notice of exemption. See id. at 1. Similarly, here, Paterson's April 25, 2007 condemnation complaint was followed by a June 6, 2007 notice of exemption. Compare OA9 (filing stamp) with Verified Notice. Both here and in Jefferson Terminal, the condemnation action came before the STB filing.

2) The STB Filing Omitted Mention of the Prior Condemnation Action: In Jefferson Terminal, the verified notice knowingly omitted mention of the Detroit condemnation action, and, likewise, US Rail's verified notice knowingly omitted

mention of the Paterson condemnation action. Compare Jefferson Terminal, supra, at 2 with Verified Notice of US Rail.³

3) The Site in Question had not Been Used for Railroad-Related Purposes for a Number of Years: The site in Jefferson Terminal had not been used for railroad-related purposes for “at least the last 13 years,” while the site in this matter has been unused for such purposes for 40 years! Compare Jefferson Terminal, supra, at 2 with OA28 (Mendelsohn statement).⁴

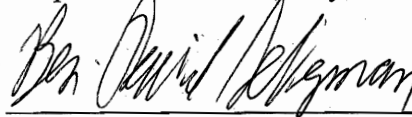
4) State Court Proceedings were not Dismissed During the Pendency of the STB Matter: In Jefferson Terminal, the state court matter was not dismissed during the pendency of the STB matter. See Jefferson Terminal, supra, at 2-3. Here, the state court matter has not been dismissed, though the Court has preliminarily ordered that the status quo of the property be preserved until the STB matter and any appeals therefrom are complete. See OA33 to OA34 (order).

Given the similarity of this matter to Jefferson Terminal, it is urged that here too the STB should reject the notice of exemption on grounds of factual and legal issues, on grounds of failure to disclose the condemnation proceedings.

Respectfully submitted,

SUSAN E. CHAMPION

Corporation Counsel, City of Paterson



By: Ben-David Seligman
Assistant Corporation Counsel

Dated: July 25, 2007

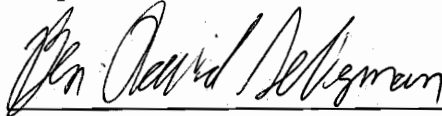
³ On July 3, 2007, one week after Paterson notified this Board of the condemnation action, US Rail admitted the action's existence, but did so misleadingly: a footnote in US Rail's Supplemental Information notes two dates relating to a “June 28, 2007” injunction, but — by failing to mention the condemnation's actual April 25, 2007 filing date, see OA9 (filing stamp) — the US Rail footnote can imply that the condemnation action began after the STB filing, which is not so!

⁴ Given that the prior use was for a spur serving only a retail lumber yard on the site, see OA28 (Mendelsohn statement), it is obvious that — 40 years later — no regulatory permission is needed to abandon such service. See Jefferson Terminal, supra, at 5 n.11 (citing 49 USC 10906).

CERTIFICATION OF SERVICE

I, Ben-David Seligman, certify that copies of all documents submitted to the Board via electronic filing have been sent via electronic mail to John D. Heffner, counsel for US Rail (j.heffner@verizon.net) and G. Paul Moates, counsel for NYS&W (pmoates@sidley.com).

SUSAN E. CHAMPION
Corporation Counsel

A handwritten signature in cursive script, reading "Ben David Seligman", written over a horizontal line.

By: BEN-DAVID SELIGMAN
Assistant Corporation Counsel
Law Department, City of Paterson
155 Market Street
Paterson, NJ 07505
(973) 321-1366 phone
(973) 321-1367 fax
bseligman@patcity.com

**OPPOSITION APPENDIX
FOLLOWS THIS SHEET**



KnowX Standard

KnowX Professional

Superior

RapSheets

[Home](#) |
 [How It Works](#) |
 [Pricing](#) |
 [Contact Us](#) |
 [Site Map](#) |
 [Help](#) |
 [Log Out](#)

Ben David Seligman

Status: Standard
 Client ID:
 Not Chosen

Owners & Officers

DETAIL RECORD

NEW SEARCH | RETURN TO YOUR SUMMARY

Related Searches

- ▶ Background Check \$
- ▶ D&B Reports
- ▶ Experian Reports
- ▶ Ultimate Business Finder
- ▶ Other Info:
 - ▶ Search Tips
 - ▶ Database Info
 - ▶ Price of Search
 - ▶ Coverage Area
 - ▶ Example Record

Name: SHANNON G L.L.C.

Corporate ID Number: 0600259833

Filing State: NJ

Type: LIMITED LIABILITY COMPANY

Status: ACTIVE - ACTIVE, ACCEPTED, CURRENT

Date of Incorporation: 02-01-2006

Officer Name: CHARLES M DAMIAN ESQUIRE

Title: REGISTERED AGENT

Address: 482 NOTCH RD

WEST PATERSON, NJ 07424

THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE OFFICIAL GOVERNMENT AGENCY.

NEW SEARCH | RETURN TO YOUR SUMMARY

DETAIL RECORD

[Company Info](#) |
 [Public Records Info](#) |
 [Privacy Statement](#) |
 [Privacy at ChoicePoint](#) |
 [Legal](#)

Copyright © 2006 KnowX LLC, all rights reserved. KnowX LLC is a ChoicePoint Company. For assistance contact support.

Inst.# 2006068795 - Page 1

3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  ☐ Agent ☐ Addressee B. Received by (Printed Name) <u>Shannon G. LLC</u> C. Date of Delivery <u>8-15-01</u> D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
1. Article Addressed to: <u>Charles M. Damian, Esq.</u> <u>Shannon G. LLC</u> <u>482 North Road</u> <u>West Paterson, N.J. 07424</u>		3. Service Type ☒ Certified Mail ☐ Express Mail ☒ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Transfer from service label) <u>7002 0510 0000 8810 9878</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Sent To <u>Charles M. Damian Esq Registered</u> Street, Apt., No., or PO Box <u>Shannon G. LLC</u> City, State, ZIP+4 <u>482 North Road West Paterson</u>	
PS Form 3800, January 2001 See Reverse for Instructions	

3



City Hall
155 Market Street
Paterson, New Jersey 07505
Phone: 973-321-1370
Fax: 973-321-1372
E-mail: www.patcity.com

Eli M. Burgos, RPPO, QPA
Business Administrator

February 12, 2007

4

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Charles M. Damian, Esq., Registered Agent
Shannon G., LLC
482 Notch Road
West Paterson, NJ 07424

Re: 247-265 Fulton Place, Paterson, NJ, Block 3202, Lot 10

Dear Mr. Damian:

The City of Paterson has found it necessary to acquire the above-captioned parcel in the City of Paterson, County of Passaic, of which Shannon G., LLC is the owner of record. The parcel that the City of Paterson desires to acquire is designated as Block 3202, Lot 10 (247-265 Fulton Place) and is shown on the attached Parcel Map. A narrative survey description of the premises sought to be acquired is also enclosed.

The City of Paterson has had the property and interest therein sought to be acquired appraised by Certified Valuations, Inc., Randolph, NJ. A copy of the appraisal is enclosed herewith.

The City of Paterson hereby offers the sum of \$1,260,000 for the purchase of a fee simple interest in the property described on the enclosed map and description. The foregoing offer of compensation is in an amount not less than the full amount of the City of Paterson's approved appraisal performed by Certified Valuations, Inc., Randolph, NJ.

The appraisal sets forth the valuation methods and procedures utilized by the appraiser in arriving at the fair market value of the premises to be acquired, together with pertinent information concerning any comparable sales, leases and cost data relied upon by the appraiser in arriving at the opinion of fair market value.

We prefer to acquire property by mutually acceptable agreement and do acquire most required parcels in that manner. When we are unable to reach a negotiated agreement with an owner at what appears to be a fair price, the City of Paterson is authorized by law to resort to statutory proceedings to have the Court appoint an impartial condemnation commission to establish the just compensation.

4

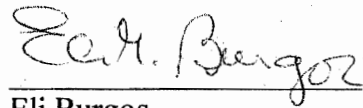
FEBRUARY 12, 2007

PAGE 2

The City of Paterson is willing to consider any additional information you may wish to provide concerning the evaluation of the premises sought to be acquired and remains desirous of resolving this matter through bona fide negotiations with you.

I trust the foregoing offer of compensation will be acceptable. In the event we receive no response to this offer within 14 days from the date of this letter, we will assume that settlement by agreement cannot be reached and condemnation proceedings will, as a matter of necessity, be instituted.

Very truly yours,



Eli Burgos
Business Administration

BDS/

Enc.: Documents from Appraiser

cc: Honorable Jose "Joey" Torres
Honorable Council President Kenneth M. Morris, Jr.
Susan E. Champion, Corporation Counsel
Gary Melchiano, Acting Director, Community Development

CA L G. ZOECKLEIN, L.L.C.

Attorney At Law

737 Broad Street

Clifton, NJ 07013

Tel: (973) 777-3111 Fax: (973) 777-0509

February 21, 2007

SENT VIA CERTIFIED/REGISTERED MAIL

Eli M. Burgos, RPPO, QPA
Business Administrator
City Hall
155 Market Street
Paterson, New Jersey 07424

**RE: 247-265 FULTON PLACE, PATERSON, NEW JERSEY
BLOCK: 3202 LOT: 10**

Dear Mr. Burgos,

The undersigned represents Shannon G, L.L.C. the owner of record of Block 3202, Lot 10 (247-265 Fulton Place) Paterson, New Jersey. Shannon G L.L.C. is in receipt of your letter of February 12, 2007, which is respectfully rejected. Please be advised that the offer of \$1,260,000.00 is well below the actual value of the property. We would consider any reasonable offers.

Kindly send any and all future correspondence regarding this property to my office, and not the Registered Agent.

Very truly yours,

Carl G. Zoecklein
Carl G. Zoecklein, Esq.

CGZ/hp

Cc: Honorable Jose "Joey" Torres
Honorable Council President Kenneth M. Morris, Jr.
Susan E. Champion, Corporation Council
Gary Melchiano, Acting Director, Community Development

FEB 23 2007

VERIFIED STATEMENT

My name is Alexander Wagner, and my business address is 25 Lafayette Street, Paterson, NJ, near River Street. I am the owner and proprietor of Alexander Wagner Company, Inc., a business that leases concrete pumps for construction purposes.

I have read the July 2, 2007 statement of John Lira, which is incorrect as to the existence of a "cement company" that "stores debris" in the neighborhood. The only debris on my premises is that removed from my concrete pumps in the cleaning process, and that small amount of debris is removed promptly.

I also wish to state that, approximately one year ago, I was contacted by telephone by a person declaring himself to be a representative of a "private railroad" looking to expand. He said that his company was in the process of purchasing a lot abutting the rail line, and also abutting a vacant lot on Lafayette Street near E. 16th Street that my business owns. He informed me that he was purchasing the land for the purposes of transloading construction and demolition debris from trucks to rail cars, and wanted my land as well.

Pursuant to 28 USC 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

7-23-07



ALEXANDER WAGNER

07.23.2007

8

VERIFIED STATEMENT

My name is James E. Smith, and my business address is 25 Lafayette Street, Paterson, NJ, near River Street. I am the Service Manager of Alexander Wagner Company, Inc., a business that leases concrete pumps for construction purposes.

About 2 months ago, when I first saw rails and ties delivered to the site next to my company's vacant lot at Lafayette near E. 16th Street, I spoke with the person who was directing activities at the site where the rail was delivered. (We spoke through the wire fence dividing our lot from his.) I asked him what they'd be using the rail for, and he said they'd be using it for loading construction and demolition debris from truck to rail cars. He said the operation would be like an operation currently near 5th Street in Paterson (the New York Susquehanna operation) only bigger. He said they'd also receive freight.

Pursuant to 28 USC 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

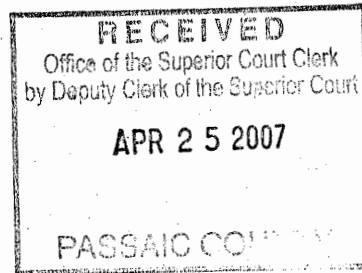


JAMES E. SMITH

7-23-07

(9)

SUSAN E. CHAMPION
PATERSON CORPORATION COUNSEL
155 MARKET STREET
PATERSON, N.J. 07505
PHONE: 973-321-1366
FAX: 973-321-1367
ATTORNEY FOR PLAINTIFF
CITY OF PATERSON DEPARTMENT
OF COMMUNITY DEVELOPMENT



THE CITY OF PATERSON, by its
DEPARTMENT OF COMMUNITY
DEVELOPMENT,

Plaintiff

vs.

SHANNON G., LLC

Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
PASSAIC COUNTY

DOCKET NO. PAS-

Civil Action

VERIFIED COMPLAINT

The City of Paterson, by its Department of Community Development, by way of Complaint against the Defendant, says:

1. The Department of Community Development, City of Paterson (hereinafter "DCD") is an agency established by Ordinance of the City of Paterson to exercise certain governmental functions, subject to the review and approval of the Municipal Council and the Administration, as provided by State statute and City Ordinance.

2. Defendant Shannon G. LLC, is a New Jersey limited liability company with an address care of its sole officer and registered agent, Charles Michael Damian, LLC, 482 Notch Road, West Paterson, NJ 07424, and is the sole record owner of the lot

particularly described as 247-265 Fulton Place, Paterson, NJ, Block 3202, Lot 10, which is further described in Exhibit A (appraisal report) attached hereto.

3. The City of Paterson is duly authorized and empowered to take lands and property for public use.

4. On March 27, 2007, an ordinance was duly adopted determining that the lands described above should be acquired for public purposes including but not limited to accommodating the expansion of a Department of Public Works Facility, authorizing the acquisition of said lands, and appropriating funds to pay the cost of such acquisition. See Enacted Ordinance, attached hereto as Exhibit B.

5. After the plaintiff duly determined as aforesaid to acquire said lands and premises it negotiated with the owner thereof pursuant to law in an attempt to reach a voluntary agreement for their acquisition. The plaintiff offered to pay 1,260,000 dollars and no cents for this property. See Offer Letter, attached hereto as Exhibit C; see also Appraisal, attached hereto as Exhibit A (previously provided to defendant along with Offer Letter, in accordance with R. 4:73-1).

6. Said negotiations have failed and the plaintiff cannot acquire said lands and premises by agreement with the owner because of differences between them as to price. See Rejection Letter, attached hereto as Exhibit D.

7. The manner in which plaintiff calculated the amount of reasonable compensation is detailed in the Appraisal dated February 9, 2007, attached hereto as Exhibit A. Those documents, previously provided to defendant in accordance with R. 4:73-1, furnished the condemnee with the map and a description of land to be acquired and identity of improvements to be acquired, if any; a statement of the full fair market value including a description of the appraisal valuation method or methods relied upon as

(11)

well as a breakdown of the appraised value allocated to the land to be acquired, and improvements to be acquired, if any; and data concerning comparable sales or leases relied upon in determining the amount of compensation offered which included names of seller and purchaser or landlord and tenant, location of property by block, lot, street, street number, and municipality, date of sale or date and duration of lease, the consideration for the sale or amount of rent, and book and page number of the recording of the deed; and any unusual factors known to the condemnor which may affect value.

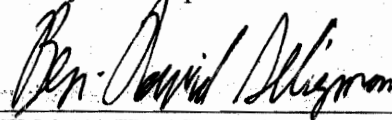
Plaintiff therefore demands judgment:

- A. Determining that the plaintiff is authorized to and has duly exercised its power of eminent domain;
- B. Appointing three residents of the County of Passaic as condemnation commissioners to make a just and equitable appraisal of the value of said lands and premises and to fix the compensation to be paid for the taking thereof;
- C. Directing notice be given to the defendant pursuant to law.

SUSAN E. CHAMPION,
CORPORATION COUNSEL
ATTORNEY FOR PLAINTIFF
City of Paterson, Department of
Community Development

Dated: April 19, 2007

By:


BEN-DAVID SELIGMAN, ESQ.
ASST. CORPORATION COUNSEL

VERIFICATION

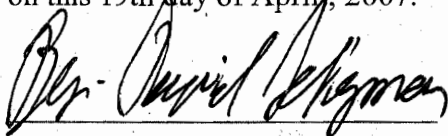
Gary Melchiano, of full age, being duly sworn according to law upon his oath,
deposes and says;

1. I am the Acting Director of the Department of Community Development
of the City of Paterson, the Plaintiff herein.
2. I have carefully reviewed the allegations set forth in the verified
Complaint.
3. The allegations contained in the verified Complaint are true to the best of
my personal knowledge, information and belief.

Dated: April 19, 2007


GARY MELCHIANO

Sworn and Subscribed to before me
on this 19th day of April, 2007.



Notary Public
Or Attorney at Law of the
State of New Jersey

NOTICE OF OTHER ACTIONS PURSUANT TO RULE 4:5-1

This party is aware of no other related actions. Should this party become aware of other related actions, notice of such actions shall be brought to the attention of the Court and the parties.

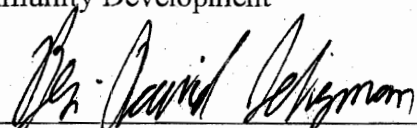
DESIGNATION OF TRIAL COUNSEL

PURSUANT to the provisions of R. 4:25-4, the Court is advised that Ben-David Seligman, Esq., is hereby designated as trial counsel.

CERTIFICATION OF FILING AND SERVICE

The applicable Rules of Court as to filing and service have been followed.

SUSAN E. CHAMPION,
CORPORATION COUNSEL
ATTORNEY FOR PLAINTIFF
City of Paterson, Department of
Community Development

By: 
BEN-DAVID SELIGMAN, ESQ.
ASST. CORPORATION COUNSEL

City of Paterson

14



Department Of Public Works Study for the Reconfiguration Of The DPW Yard

Prepared By:

**City of Paterson
Department of Public Works
Division of Engineering
Public Safety Complex - Broadway
Paterson, NJ 07505**

October 2006

14

To examine solutions to the observations we have provided a conceptual site plan of the City Yard reorganization and a diagrammatic plan of a larger salt storage facility with an recycling trash depot as mentioned in the text. Additionally, we have provided conceptual plan with elevations of a potential new salt storage facility.

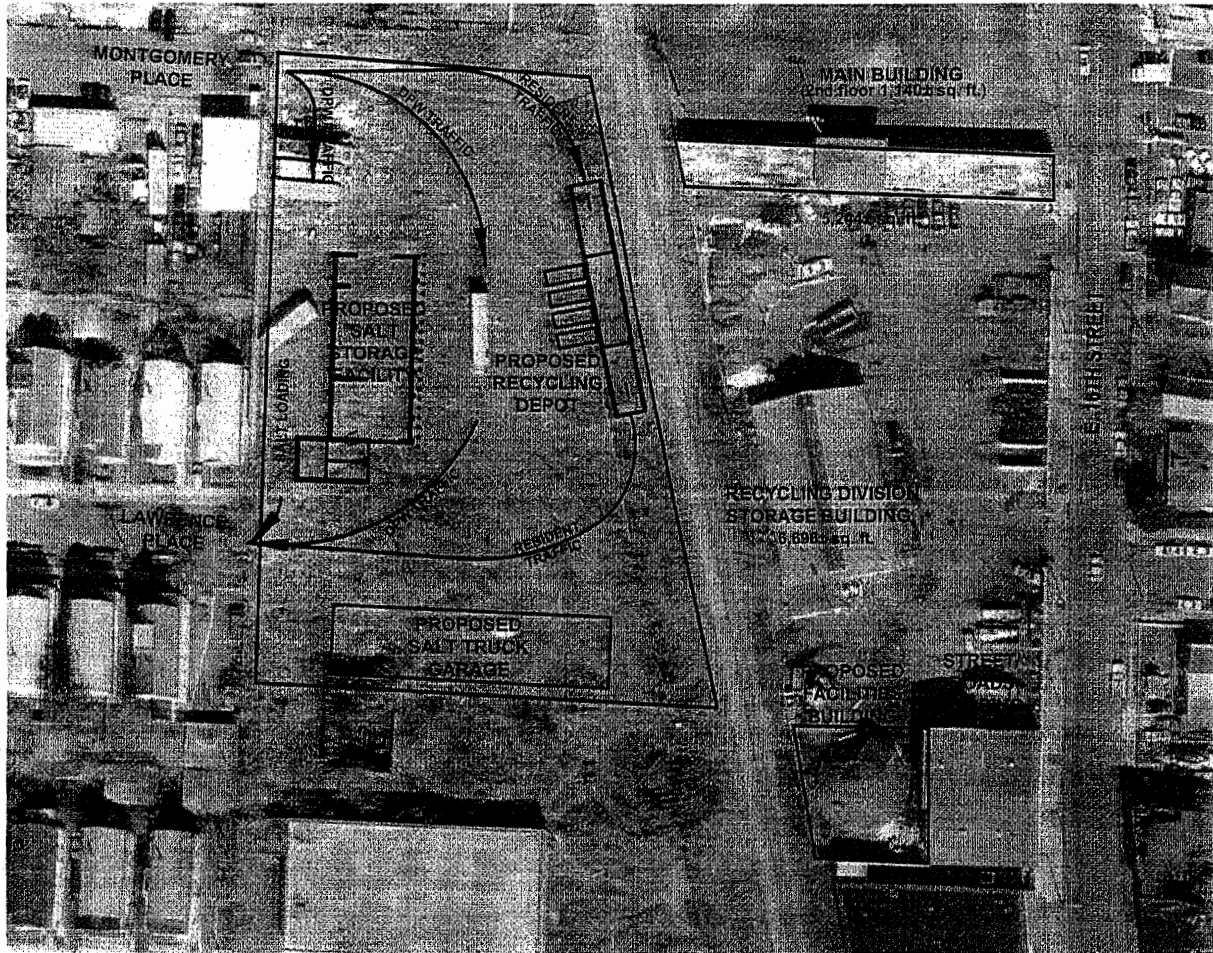
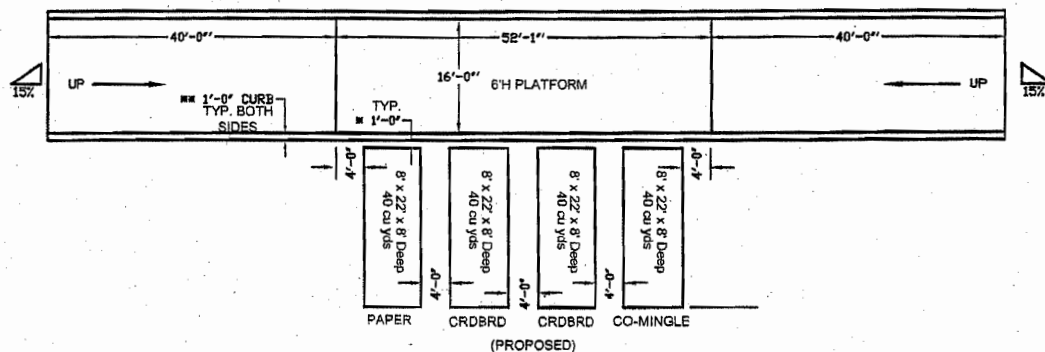


Figure 5.1 This aerial view shows the adjacent property to the City Yard as being a viable option to house a proposed salt storage facility and recycling depot along with a proposed salt truck garage.



NOTES:

- * 1'-0" SPACING BETWEEN DUMPSTER AND RAISED RAMP FOR BUMPERS.
- ** INSTALLATION OF SAFETY RAILING PROPOSED.
- CO-MINGLE = PLASTIC/ALUMINUM/GLASS (CURRENTLY NOT LOCATED AT PROPOSED FACILITY).
- TIRES CURRENTLY STORED UNDER (APPROX.) 30'x50' OPEN SHED (NEW).
- SCRAP METAL DUMPSTER NOT LOCATED AT CURRENT PROPOSED LOCATION.

RECYCLING DEPOT DIAGRAM

SCALE = N.T.S.

Figure 5.2 This figure shows how a recycling depot might function. This scheme allows the residents to drive up the ramp and unload recyclables while the DPW staff could access the containers from grade level. This strategy provides for a separation between resident vehicles and DPW vehicles.

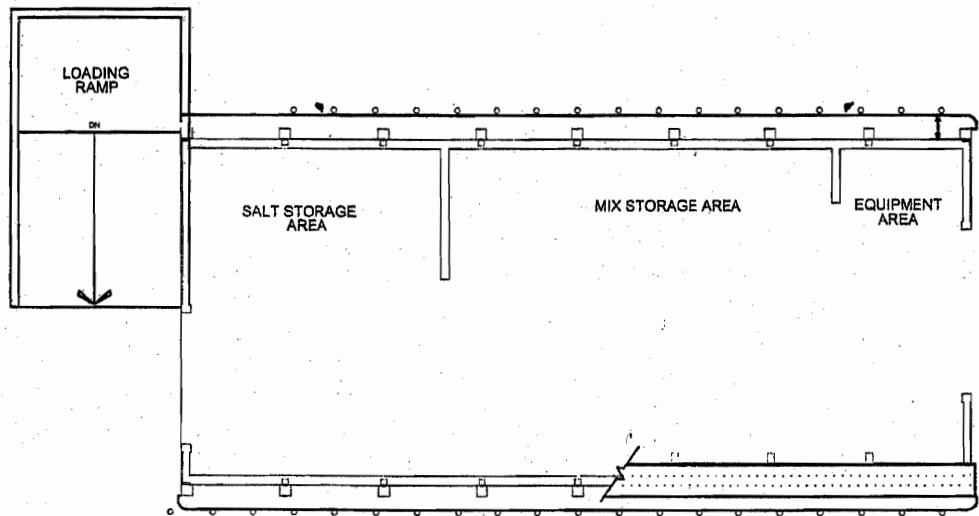


Figure 5.3 This figure shows a potential plan configuration of a larger salt storage facility with a loading ramp at one end and a delivery opening at the opposite end.

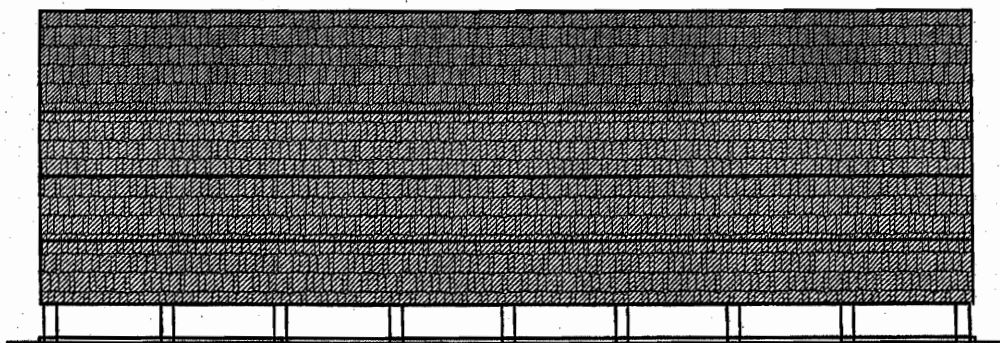


Figure 5.4 This figure shows a potential longitudinal elevation for the facility.

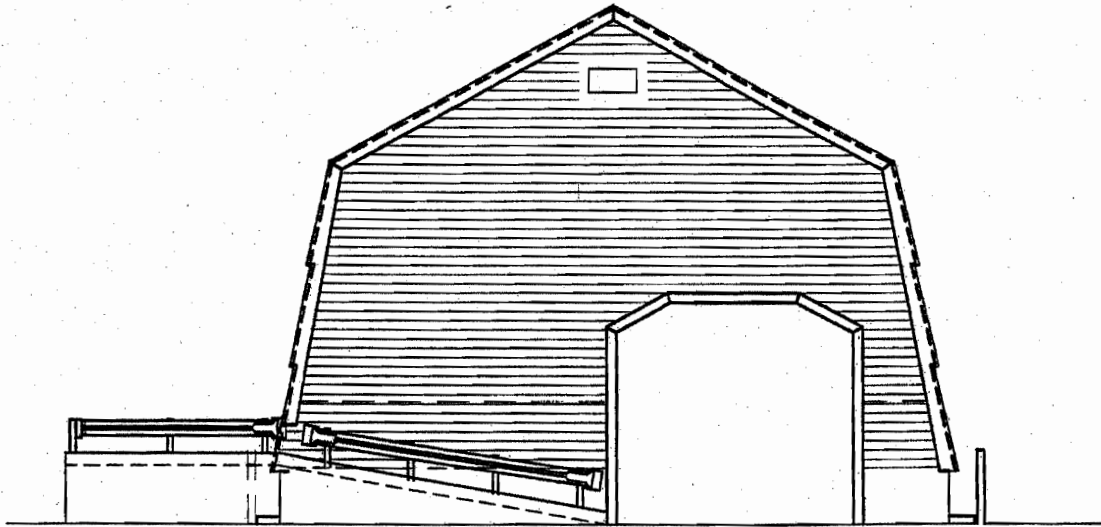


Figure 5.5 This figure shows a potential end elevation for the facility illustrating a loading ramp for trucks and the access way into the building to get to the material.

LAFAYETTE ST

MONTGOMERY PL

LAWRENCE PL

FULTON PL

N.Y.S.&W. R.R.-MAIN LINE

3203

3202

3215

3210

14	15	16	17	18	19	20	21	22
25'	25'	25'	25'	25'	25'	25'	25'	25'
100'	100'	100'	100'	100'	100'	100'	100'	100'
100'	100'	100'	100'	100'	100'	100'	100'	100'

12	13	14	15	16	17
25'	25'	25'	25'	25'	25'
100'	100'	100'	100'	100'	100'
100'	100'	100'	100'	100'	100'

12	13	14
25'	25'	25'
100'	100'	100'
100'	100'	100'

1	2	3	4	5	6	7	8	9
25'	25'	25'	25'	25'	25'	25'	25'	25'
100'	100'	100'	100'	100'	100'	100'	100'	100'
100'	100'	100'	100'	100'	100'	100'	100'	100'

56	57	58	59	60	61	62	63	64	65	66	67
25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'
100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'

31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'
100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'

1	2	3	4	5	6
25'	25'	25'	25'	25'	25'
100'	100'	100'	100'	100'	100'
100'	100'	100'	100'	100'	100'

1
100'
100'

12	13	14
25'	25'	25'
100'	100'	100'
100'	100'	100'

1	2	3
25'	25'	25'
100'	100'	100'
100'	100'	100'

3207
100'
100'

19
100'
100'

LINE NO.	PARCEL IDENTIFICATION	QUANT. NO.	Building Description	Prop. Class.	ADDRESS CITY STATE	ZIP CODE	TOTAL VALUE	AMOUNT	TAXABLE VALUE	CO	DE	QW	SP	U	MINI	ERA	MU
			ADDITIONAL LOTS		PROPERTY LOCATION	ZONING	Page										
1	3202 8	000000	59X100 .1354	1	FOX, GEORGE 188 LAFAYETTE ST PATERSON NJ 192-196 LAFAYETTE ST	07501	147700 0 147700		147700								
2	3202 9		10 LOTS 18 1F 207-215 MONTGOMERY 207-215 MONTGOMERY 0000	4A	NORTH STRAIGH STREET ASSOCIATES, LLC 25 LAFAYETTE ST PATERSON NJ 198-206 LAFAYETTE ST	07501 I-1	873000 214500 1087500		1087500								3 4
3	3202 10	000000	39 LOTS RRS-247-265 FULTON .0000	1	SHANNON G. LLC C/O DAMIAN, C.M. LLC 482 NOTCH ROAD WEST PATERSON NJ 247-265 FULTON PL	07424	1595000 0 1595000		1595000								6 7
4	3202 11	000000	96 47X100 1 BR F.261 FULTON PL .2215	4A	JERGENSEN WILLIAM & DORIS H/W 247 FULTON PLACE PATERSON NJ 259-265 FULTON PL	07501 I-1	195200 17900 213100		213100								1 1
5	3202 12	000000	200X195 1 S .8953	4A	GIST, HENRY JR & IZETTA H/W 343 SKYLINE DR RINGWOOD NJ 413-429 JELSMA PL	07456 I-1	402800 788200 1191000		1191000								6 7
6	3202 13	000000	140X235 1 S L.2-3 .7553	4A	SAFETY TRUCK EQUIPMENT INC 669 MARKET ST PATERSON NJ 429-439 JELSMA PL	07513 I-1	339800 703200 1043000		1043000								15 19
7	3202 14	000000	108X100 1 S .2479	4A	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 293-299 GOVERNOR ST	07501 I-1	324000 345000 669000		669000								8 9
8	3202 15	000000	25X100 .0574	1	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 291 GOVERNOR ST	07501 MU	44200 0 44200		44200								
9	3202 16	000000	25X100 .0574	1	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 289 GOVERNOR ST	07501 MU	44200 0 44200		44200								
10	3202 17	000000	25X100 .0574	1	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 287 GOVERNOR ST	07501 MU	44200 0 44200		44200								
11	3202 18	000000	25X100 .0574	1	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 285 GOVERNOR ST	07501 MU	44200 0 44200		44200								
12	3202 19	000000	25X100 .0574	1	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 283 GOVERNOR ST	07501 MU	44200 0 44200		44200								
13	3202 20	000000	25X100 .0574	1	GOVERNOR STREET, LLC 295 GOVERNOR ST PATERSON NJ 281 GOVERNOR ST	07501 MU	44200 0 44200		44200								
14	3202 21	000000	110X75 1 BR F.247 FULTON PL .1894	4A	JERGENSEN WILLIAM & DORIS H/W 247 FULTON PL PATERSON NJ 253 FULTON PL	07501 I-1	284000 322800 606800		606800								7 8
TOTALS									4426700	0							BLK 320
									2391600								OT 2
									6818300								

LINE NO.	DESCRIPTION	PROPERTY LOCATION	ZIP CODE	AMOUNT	TAXABLE VALUE	CODE	NO. DEDUC	NO. OWNER	SPEC. CODE	DATE	UNIT	BLK	LOT
3202	ADDITIONAL LOTS	CHRY STATE	Page										
1	46X100 2 F 3G .1056	HUNTER, DENNIS 243 FULTON PL PATERSON NJ 243-245 FULTON PL	07501		380300								
2	37X100 2 B 3G .0849	Chau, Gpazan A C Diaz, D. 239 Fulton Street			380800								
3	37X100 2 F .0849	SMITH, LINWOOD B & IDA H/W 236 GERMANTOWN RD MILFORD NJ 237-239 FULTON PL	07480		375100								
4	37X100 2 F .0849	SANDERS, JOHN & BETTY 233-237 FULTON PL PATERSON NJ 233-237 FULTON PL	07501		373500		1 02						
5	37X100 2 F .0849	MC GEE, ELAINE & BROWN, CHARLES A 233 FULTON PL PATERSON NJ 231-233 FULTON PL	07501		373100		1 01						
6	37X100 2 F 2G .0849	GONZALEZ, ANGELA & ROSARIO, P & A.R. 231 FULTON PL PATERSON NJ 227-231 FULTON PL	07501		446500								
7	37X100 2 F 2G .0849	FRAZIER, JOHN & DOROTHY 229 FULTON ST PATERSON NJ 225-227 FULTON PL	07501		375900								
8	39X100 2 F .0895	CUNNINGHAM, MELINDA & FLEMING, K 225 FULTON ST PATERSON NJ 221-225 FULTON PL	07501		392800								
9	37X100 1 CB4G .0849	NIEVES, LIZANNEA 219-221 FULTON STREET PATERSON NJ 219-221 FULTON PL	07501		449400								
10	33X100 2 F .0758	BELTON, DUWANYE 151 GRAHAM AVE PATERSON NJ 149-151 GRAHAM AVE	07501		447100								
11	33X100 2 F .0758	RONEY, MARIE JEANNE & MARIE ROMENE 149 GRAHAM AVE PATERSON NJ 147-149 GRAHAM AVE	07501		456500								
12	33X105 2 FR .0795	CLIFTON, PAULINE 145 ROSA PARKS BLVD PATERSON NJ 145-147 GRAHAM AVE	07501		369600								
13	33X100 2 F .0758	BAYON, EDWIN & EDWIN JR 143 ROSA PARK BLVD PATERSON NJ 141-143 GRAHAM AVE	07501		451000								
14	33X100 2 F .0758	NELSON, OCTAVIOUS & MADELEINE H/W 139 ROSA PARKS BLVD PATERSON NJ 139-141 GRAHAM AVE	07501		426800								
TOTALS				W01 250	0	2206000						BLK 3:	
				S02 500		3492400							LOT
						5698400							

LINE NO.	PARCEL NO.	BLDG DESCRIPTION ADDITIONAL LOTS ACREAGE	PROP. CLASS.	ADDRESS CITY STATE PROPERTY LOCATION	ZONING	ZIP CODE Tax Map Page	TOTAL VALUE	AMOUNT	TAXABLE VALUE	BLK 3	BLK 3
1	3202 36 000000	33X105 2 F 1G .0795	2	MOORE, DEBRA T AKA TOBIAS, DEBRA M. 100 ROSEWOOD DR BORDENTOWN NJ 137-139 GRAHAM AVE	08505		151800 314500 466300		466300		
2	3202 37 000000	35X100 2 F .0803	2	TREJO, EUSEBIO & TEEJO, POR A. H/W 204-206 LAWRENCE PLACE PATERSON NJ 204-206 LAWRENCE PL	07501		160000 308600 468600		468600		
3	3202 38 000000	40X100 2 F 2G .0918	2	CARABALLO, JOSE MIGUEL 206 LAWRENCE PL 206-210 LAWRENCE PL	07501		163000 238400 401400		401400		
4	3202 39 000000	30X100 2 F .0689	2	VALESQUEZ, FRANCISCO 210-212 LAWRENCE PLACE PATERSON NJ 210-212 LAWRENCE PL	07501		157300 270000 427300		427300		
5	3202 40 000000	37X100 2 F .0849	2	GILZENE, EVERTON W & PAULET M H/W 212 LAWRENCE PL PATERSON NJ 212-214 LAWRENCE PL	07501 00660		161300 245800 407100		407100		
6	3202 41 000000	37X100 2 F .0849	2	STEVENS, ENNIS & WF C/O STEVENS, E 214 LAWRENCE PL PATERSON NJ 214-218 LAWRENCE PL	07501		161300 198800 360100		360100	S 1 02 W 1	
7	3202 42 000000	36X100 2 F .0826	2	BLACK, VALERIE 218 LAWRENCE PL PATERSON NJ 218-220 LAWRENCE PL	07501		160800 205400 366200		366200		
8	3202 43 000000	36X100 2 F 2G .0826	2	SOSA, GREGORIO & SOSA, JOSE 220 LAWRENCE PL PATERSON NJ 220-224 LAWRENCE PL	07501		160800 243000 403800		403800		
9	3202 44 000000	34X100 2 F .0781	2	JONES, CHARLES J. & JONES, EULA 224 LAWRENCE PLACE PATERSON NJ 224-226 LAWRENCE PL	07501		159500 224000 383500		383500		
10	3202 45 000000	60X100 2 F 2G .1377	2	VILLAR, MARCOS E. 226-230 LAWRENCE PL PATERSON NJ 226-230 LAWRENCE PL	07501		174500 277400 451900		451900		
11	3202 46 000000	33X100 2 F 3G .0758	2	MOODY, JOSEPH & GLORIA H/W 227-229 LAWRENCE PL PATERSON NJ 227-229 LAWRENCE PL	07501		159000 211500 370500		370500	V 1 D1	
12	3202 47 000000	33X100 2 G .0758	2	PATTERSON, RASHON 225-227 LAWRENCE PL PATERSON NJ 225-227 LAWRENCE PL	07501		151100 166400 317500		317500		
13	3202 48 000000	33X100 2 F 2G .0758	2	JIMENEZ, JOSE 225 LAWRENCE PLACE PATERSON NJ 223-225 LAWRENCE PL	07501		151100 181600 332700		332700		
	3202 49 000000	37X100 2 F 2G .0849	2	RICHARDSON, MABLE 648 EAST 30TH STREET PATERSON NJ 219-221 LAWRENCE PL	07513		153200 234200 387400		387400		
TOTALS							2224700	0	5544300	23	BLK 3

NO.	LOCATION	Building Description	Prop. Class.	ADDRESS	ZIP CODE	TOTAL VALUE	AMOUNT	TAXABLE VALUE	DEED	SPR	ATTORNEY
NO.	NO.	ADDITIONAL LOTS	Class.	CITY STATE PROPERTY LOCATION	ZONING	Page			NO.	NO.	NO.
1	3202 50	37X100 2 F 2G .0849	2	PATTERSON, RASHON J. 217 LAWRENCE PL PATERSON NJ 217-219 LAWRENCE PL	07501	153200 252800 406000		406000			
2	3202 51	37X100 2 F 2G .0849	2	HERNDON, BARITA 215 LAWRENCE PL PATERSON NJ 215-215 LAWRENCE PL	07501	153200 239200 392400		392400			
3	3202 52	52X100 2 F 2G .1194	2	WILLOW RIDGE REALTY, LLC 46 PATERSON AVENUE PATERSON NJ 209-213 LAWRENCE PL	07501	161300 233800 395100		395100			
4	3202 53	50X100 2 F 2G .1148	2	JACKSON, CLARENCE & MARIE H/W 207 LAWRENCE PL PATERSON NJ 205-209 LAWRENCE PL	07501	160300 253800 414100		414100			
5	3202 54	36X100 2 F 2G .0826	2	PEREZ, INGRID 203-205 LAWRENCE PLACE PATERSON NJ 203-205 LAWRENCE PL	07501	152700 308100 460800		460800			
6	3202 55	28X100 2 F 1G .0643	2	RIVAS, GENNY 129 ROSA PARKS BOULEVARD PATERSON NJ 129-131 GRAHAM AVE	07501	148200 274700 422900		422900			
7	3202 56	28X100 2 F .0643	2	ROGERS, CRAIG M 129 ROSA PARKS BLVD PATERSON NJ 127-129 GRAHAM AVE	07501	148200 196300 344500		344500			
8	3202 57	28X100 2 F .0643	2	MUHAMMAD, SULTAN 127 GRAHAM AVE PATERSON NJ 125-127 GRAHAM AVE	07501	148200 210700 358900		358900			
9	3202 58	28X100 2 F P.123 GRAHAM AVE .0643	2	POLANCO, FRAY L 125 ROSA PARKS BLVD PATERSON NJ 125 GRAHAM AVE	07501	148200 246500 394700		394700			
10	3202 59	29X100 2 F .0666	2	MORRIS, MICHAEL 121 GRAHAM AVE PATERSON NJ 121-123 GRAHAM AVE	07501	148900 201300 350200		350200			
11	3202 60	29X100 2 F .0666	2	COX, MARIE ALEXANDER 119-121 GRAHAM AVE PATERSON NJ 119-121 GRAHAM AVE	07501	148900 235900 384800		384800			
12	3202 61	29X100 2 F .0666	2	BOWIE, PAULINE 117 GRAHAM AVE PATERSON NJ 117-119 GRAHAM AVE	07501	148900 195800 344700		344700	M 1 01		
13	3202 62	30X100 1 CB 4G .0689	4A	MERCADO, MANUEL R. 135 MONTGOMERY PL PATERSON NJ 180-182 MONTGOMERY PL	07501 I-1	88000 59400 147400		147400			
	3202 63	100X100 1 CB 8G .2296	4A	MERCADO, MANUEL R. 135 MONTGOMERY PL PATERSON NJ 182-190 MONTGOMERY ST	07501 I-1	300000 175300 475300		475300			
TOTALS						2208200	0				
						3083600		5291800			

24

24

LINE	ITEM	DESCRIPTION	PROG. CLASS	ADDRESS	CITY	STATE	PROPERTY LOCATION	ZONING	ZIP CODE	Tax Map Page	IMPROVEMENTS TOTAL VALUE	CODE	AMOUNT	TAXABLE VALUE	CODE	DEB	QTR	OWN	SPEC	COB	DATE	UNIT	BLK	LOT	
1	3202 64	35X100	4A	SIMPSON, ROBERT & JOHN 190 MONTGOMERY ST PATERSON NJ			190-192 MONTGOMERY ST	07501 I-1			104000 88200 192200			192200											
2	3202 65	60X100	4A	SIMPSON, ROBERT & JOHN 190 MONTGOMERY ST PATERSON NJ			192-196 MONTGOMERY ST	07501 I-1			180000 98800 278800			278800											
3	3202 66	75X100	4A	WENDELSOHN, DAVID 4 GLEN COURT HAWTHORNE NJ			198-202 MONTGOMERY PL	07506 I-1			224000 52700 276700			276700											
4	3202 67	50X100 1 CB	4A	FOX, GEORGE A. 188 LAFAYETTE ST PATERSON NJ			204-206 MONTGOMERY PL	07501 I-1			126000 82900 208900			208900											
5	3202 68	59X100	1	FOX, GEORGE 188 LAFAYETTE ST PATERSON NJ			201-205 MONTGOMERY PL	07501 I-1			147700 0 147700			147700											
6	3202 70	29X100	1	WENDELSOHN, DAVID 4 GLEN COURT HAWTHORNE NJ			195-197 MONTGOMERY PL	07506 I-1			133200 0 133200			133200											
7	3202 71	54X100 1 CB	4A	WENDELSOHN, DAVID 4 GLEN COURT HAWTHORNE NJ			191-195 MONTGOMERY PL	07506 I-1			160000 79600 239600			239600											
8	3202 72	80X100 1 CB 96 0 1	4A	WENDELSOHN, DAVID 4 GLEN COURT HAWTHORNE NJ			185-191 MONTGOMERY PL	07506 I-1			240000 85800 325800			325800											
9	3202 73	50X100 2 F 56	4C	EZ REALTY, LLC 33 PLEASANT RIDGE ROAD NEW HEMPSTEAD NY			181-183 MONTGOMERY PL	10977 I-1			148000 268300 416300			416300											
10	3202 74	25X100 1 B 26	4A	HAGANS, JAMES & DOLORES H/W 101 EAST 26TH ST PATERSON NJ			179 MONTGOMERY PL	07514 I-1			76000 41800 117800			117800											
11	3202 75	34X100 2 F	2	HYNES, EILEEN 111 GRAHAM AVE PATERSON NJ			109-111 GRAHAM AVE	07501 I-1			151500 236400 387900			387900											
12	3202 76	34X100 2 F	2	PATERSON, CLINTON 356 E 19TH ST PATERSON NJ			107-109 GRAHAM AVE	07501 I-1			151500 256800 408300			408300											
13	3202 77	34X100 2 F 103 GRAHAM AVE	2	GREEN, JIMMIE & ETTA H/W 105 GRAHAM AVE PATERSON NJ			105-107 GRAHAM AVE	07501 I-1			151500 239400 390900			390900											
14	3202 78	34X100 2 F	2	JONES, ROBERT & WIFE 101-103 GRAHAM AVE PATERSON NJ			101-103 GRAHAM AVE	07501 I-1			151500 211800 363300			363300											
TOTALS														2144900	0					3887400	3				

25

25

LINE NUMBER	UNITS IDENTIFICATION UNIT NO.	Building Description ADDITIONAL LOTS ACREAGE	Prop. Class.	ADDRESS CITY STATE PROPERTY LOCATION	ZONING	ZIP CODE Tax Map Page	IMPROVEMENTS TOTAL VALUE	AMOUNT	TAXABLE VALUE	COD	DEDU CTION	OWNE R	SPEC T	U A L	UNIMTEA TOTAL S A	M
1	3202 79 000000	36X100 2.5F .0826	2	BOLT, MICHAEL W. & LORRAINE H/W 99 GRAHAM AVE PATERSON NJ 99-101 GRAHAM AVE	H/W 07501	01175	152700 277300 430000		430000							
2	3203 1 000000	450X80 1 B 212-228 LAFAYETTE ST .8264	15C	PATERSON, CITY OF (CITY YARD) CITY HALL PATERSON NJ 370-414 E 16TH ST	07505 B-2		4365000 670900 5035900		*EXEMPT*							
3	3203 2 000000	295X86 1 CB PT. 414-PI436 EAST 16 .5824	4A	PETERSON ASSOC (A NJ PTNSHP) 414 E 16TH ST PATERSON NJ 414-436 E 16TH ST	07514 I-1		295200 613400 908600		908600							1
4	3203 3 000000	250X69 1 CB D0580 .3960	4B	JEB REALTY ASSOC L P 414 E 16TH ST PATERSON NJ 436-448 E 16TH ST	07514 I-1	01369	450000 192500 642500		642500							1
5	3204 1 000000	130X85 1 CB .2537	15C	PATERSON, CITY OF (FIREHOUSE) CITY HALL PATERSON NJ 236-244 LAFAYETTE ST	07505		203500 78900 282400		*EXEMPT*							
6	3204 2 000000	1.4 B 4 B P. 434 E 18TH ST .0000	4B	TENTH AVE ASSOCIATES, LLC 200 E 25TH ST PATERSON NJ 448 E 18TH ST	07514 I-1		733500 5513200 6246700		6246700							2
7	3205 1 000000	63X121 1 S .1750	4B	SLADE, WALTER H & BERNICE H/W 406 E SADDLE RIVER RD UPPER SADDLE RIVER NJ 381-385 E 16TH ST	07458 I-1	00660	208000 166800 374800		374800							
8	3205 2 000000	75X100 1 CB .1722	4A	DEMACEO, ISABEL A. 1116 CAMBRIDGE AVE GARFIELD NJ 252-256 10TH AVE	07026 I-1		224000 68400 292400		292400							
9	3205 3 000000	37X100 1 CB .0849	4B	BAZAZ, DENNIS 258 10TH AVE PATERSON NJ 258-260 10TH AVE	07524 I-1		112000 51600 163600		163600							
10	3205 4 000000	37X100 1 CB .0849	4B	BAZAZ, DENNIS 258 10TH AVE PATERSON NJ 260-262 10TH AVE	07524 I-1		112000 87500 199500		199500							
11	3205 5 000000	25X99 1 CB .0568	4A	TELLEZ, RENZO & ZOILA H/W 908TH AVE PATERSON NJ 456 E 18TH ST	07514 I-1		72000 207200 279200		279200							
12	3205 6 000000	50X95 2 F 3G .1090	2	BRITO, JOSE A. & BRITO, ALTAGRACIA 460 EAST 18TH STREET PATERSON NJ 458-460 E 18TH ST	07514		158900 201700 360600		360600							
13	3205 7 000000	50X95 2F .1090	2	FLORES, MARGARITA & LEON HUMBERTO 462-464 EAST 18TH ST PATERSON NJ 462-464 E 18TH ST	07514		158900 221700 380600		380600							
14	3205 8 000000	49X91 1 .1024	1	DELMAR DEVELOPMENT 311 SINDLE AVENUE LITTLE FALLS NJ 466-468 E 18TH ST	07424		157200 0 157200		157200							
TOTALS							2834400	0	10435700						BLK 32	
							7601300									

26

PARCEL NO.	SECTION	BLDG. DESCRIPTION	PROG. CLASS.	ADDRESS	PROPERTY LOCATION	ZONING	SELLING DATE	ZIP CODE	Tax Map Page	IMPROVEMENTS TOTAL VALUE	CODE	AMOUNT	NET TAXABLE VALUE	CODE	NO. OF PARCELS	NO. OF OWNERS	SPECIAL CODE	QUALITY	INTEREST
1	3210 2	42X87 2G 2 F	2	HARRIS, GLORIA 236 FULTON PL PATERSON, NJ	236-238 FULTON PL	07501				146800 211300 358100			358100						
2	3210 3	40X87 2 F	2	SCOTT, ELIJAH 238-242 FULTON ST PATERSON, NJ	238-242 FULTON PL	07501				146000 201900 347900			347900						
3	3210 4	40X87 2 F 2G	2	HUMPHREY, DAVID A.S.R. & PATRICIA H/W 350 19TH AVE PATERSON, NJ	242-244 FULTON PL	07504				146000 244100 390100			390100						
4	3210 5	40X87 2 F	2	BRANCH, JAMES & WF 244-248 FULTON PL PATERSON, NJ	244-248 FULTON PL	07501				146000 205200 351200			351200						
5	3210 6	38X87 2 F 2G	2	HAMMOND, EUGENE M & WF 422 E 29TH ST PATERSON, NJ	248-250 FULTON PL	07514				145200 219300 364500			364500						
6	3210 7	40X87	2	MARITIAI, EUGENIO & RICARDO 132 KEARNEY STREET PATERSON, NJ	263-265 HARRISON ST	07502				146000 275700 421700			421700						
7	3210 8	40X87 2 F	2	HINTON, MARY & BROWN, BARBARA ETAL 261 HARRISON ST PATERSON, NJ	259-263 HARRISON ST	07501				146000 239900 385900			385900						
8	3210 9	40X87 2 F	2	HUNTER, LANGSTON W. & VALERIE F 255 HARRISON ST PATERSON, NJ	253-259 HARRISON ST	07501				162000 180600 342600			342600						
9	3210 11	40X87 2 F	2	SAVAGE, CLIFTON & JENNIE 251-253 HARRISON ST PATERSON, NJ	251-253 HARRISON ST	07514				146000 215300 361300			361300						
10	3211 1	98.25X100 1B	4A	45 CARROLL ST LLC C/O WYCKOFF, JAMES 76 MAPLE AVE SUITE 113 RIDGEWOOD, NJ	39-45 CARROLL ST	07450 MU				264000 767800 1031800			1031800						
11	3211 2	25X98 2 F	2	SISCO, GLORIA 178 HARRISON ST PATERSON, NJ	178 HARRISON ST	07501				141200 213300 354500			354500						
12	3211 3	50X100 2 F	2	DIAZ, GIBBERT 180-182 HARRISON ST PATERSON, NJ	180-182 HARRISON ST	00672 07501				153000 238000 391000			391000						
13	3211 4	25X100 2 F	2	WILLIAMS, FANNIE 184 HARRISON STREET PATERSON, NJ	184 HARRISON ST	00597 07501				141400 213500 354900			354900						
	3211 5	25X100	15C	PATERSON REDEVELOPMENT AGENCY CITY HALL PATERSON, NJ	186 HARRISON ST	07505				141400 0 141400			*EXEMPT*						
TOTALS	V01 250									2029600		0	5455500						BLK 32
										3425900									

VERIFIED STATEMENT

My name is David Mendelsohn, and my business address is 193 Montgomery Street, Paterson, NJ, between Rosa Parks Boulevard and the proposed US Rail site. I am the owner and operator of TDK, Inc., a business that transports boxed goods by truck, primarily for the food industry.

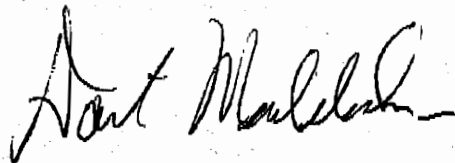
TDK is a family business, formerly known as "Paterson Dispatch Service." It has operated in the same neighborhood since approximately 1947, and I have been actively involved with the business since the mid-1960's. Accordingly, I am familiar with the history of the neighborhood in question.

At the site where US Rail intends to operate, no railroad-related operation has been active since approximately 1967. From the 1930's (or earlier) through approximately 1967, the lot was used by Stile's Lumber Yard. During that time, Stile's had a small private spur extending from the New York Susquehanna line. Stile's used the spur solely for receiving lumber, which was then sold directly to retail customers at the same location. Stile's Lumber Yard went out of business at that location in approximately 1967, and, since then, the private spur has not been used.

Pursuant to 28 USC 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

7-24-07

DAVID MENDELSON



288

ACKNOWLEDGMENT

On 15th day of May, 2007, in the matter entitled *The City of Paterson, by its Department of Community Development v. Shannon G., LLC* Docket No.: PAS-L-1799-07, I received the following:

- Verified Complaint (exhibits already in my possession, and omitted from fax)
- Order to Show Cause;
- Notice of Lis Pendens;
- Certification of Ben-David Seligman.

Carl G. Zoecklein Esq.
Carl G. Zoecklein, Esq.

Please be advised that Shannon G LLC
is now represented by:

DAVID M. DE CLEMENT ESQ-
55 SIMPSON AVE.

P.O. Box 217

PITMAN, N.J. 08071

856. 582. 6242

Fax: 856. 582. 6544

CB

CC: DAVID DE CLEMENT ESQ-
VIA FAX: 856-582-6544

CARL G. ZOECKLEIN
Attorney at Law

289

DAVID M. DeCLEMENT, ESQ.
55 Simpson Avenue, PO Box 217
Pitman, New Jersey 08071
P (856) 582-6242 F (856) 582-6544
Attorney for the Defendant, Shannon G., LLC

THE CITY OF PATERSON, by its
DEPARTMENT OF COMMUNITY
DEVELOPMENT

Plaintiffs

v.

SHANNON G, LLC A New Jersey LLC

Defendants.

SUPERIOR COURT OF NEW JERSEY
PASSAIC COUNTY, CHANCERY DIVISION

DOCKET NO.: PAS-L-1799-07

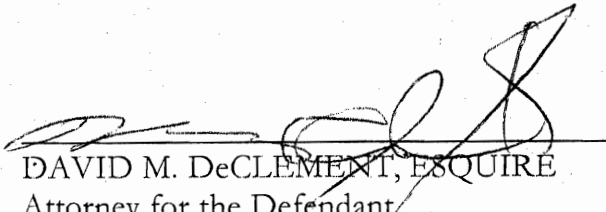
Civil Action

ANSWER TO VERIFIED COMPLAINT

The defendant, SHANNON G, LLC a New Jersey Limited Liability Company with its principal place of business located at 247-265 Fulton Place, Paterson, New Jersey, by way of its attorney, DAVID M. DeCLEMENT, hereby answers the verified complaint and says:

1. Admitted. However, the subject property is an active rail line utilized by a federally chartered railway engaged in interstate transportation at and from this location.
2. Admitted. However, since August 10, 2006, this site has been leased to US Rail, a federally chartered railway for rail use in interstate transportation.
3. Denied. Condemnation of property for interstate rail traffic is prohibited by law.
4. Admitted as to official act; Denied as to legal ability to perform.
5. Denied as to negotiations to impass.
6. Admitted.
7. Denied that plaintiff has the legal ability to condemn this land.

WHEREFORE the defendant demands judgment in his favor, costs of suit, attorneys fees and any other relief the Court deems adequate, fair and just.



DAVID M. DeCLEMENT, ESQUIRE
Attorney for the Defendant

Dated: May 22, 2007

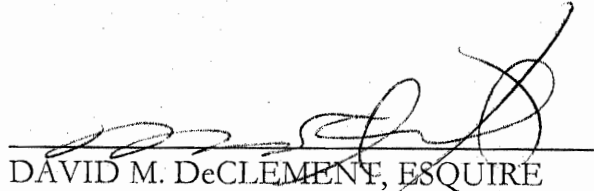
CERTIFICATION OF NO OTHER ACTIONS

Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each part to file and serve on all parties and the Court an amended certification if there is a change in the facts in this original certification.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25, DAVID M. DeCLEMENT, is hereby designated as trial counsel for the Plaintiffs in the above matter.

Dated: May 22, 2007



DAVID M. DeCLEMENT, ESQUIRE
Attorney for the Defendant

SUSAN E. CHAMPION
PATERSON CORPORATION COUNSEL
155 MARKET STREET
PATERSON, N.J. 07505
PHONE: 973-321-1366
FAX: 973-321-1367
ATTORNEY FOR PLAINTIFF

THE CITY OF PATERSON, by its
DEPARTMENT OF COMMUNITY
DEVELOPMENT,

Plaintiff

vs.

SHANNON G., LLC

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
PASSAIC COUNTY

DOCKET NO. PAS-L-1799-07

Civil Action

AFFIDAVIT

I, Rudolph V. Morabito of full age, having been duly sworn, deposes and says:

1. I am a Building Inspector in the Division of Community Improvements, in the Department of Community Development, City of Paterson. I am licensed as a Building Inspector by the State of New Jersey Department of Community Affairs, lic. no. 006595.

2. In the course of my duties today, I photographed the property described as 247-265 Fulton Place, Paterson, NJ, Block 3202, Lot 10, whose location is indicated on the map attached hereto as Exhibit A.

3. At some point in time between 10 AM and 12 Noon today, I was sent by my supervisor, Kathleen Easton, to confirm reports that construction was occurring at the above location, without permits from the City of Paterson.

4. When I arrived, I met three (3) men standing around a compressor, of the type used in construction, on the street next to the property in question.

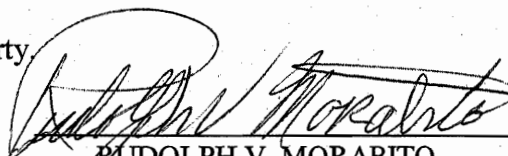
5. One of the men said words to the effect that, "we're not doing construction ... we're just laying tracks."

6. I observed the railroad tracks on the property, about 200 feet long, not currently connected to any railroad line.

7. After speaking with me, the men left, and I observed no more work being done.

8. At about 3 PM I returned, and observed no further tracks laid since my visit in the morning. I then photographed the site. Photographs thereof are attached hereto as Exhibit B.

9.. I had visited the property over the previous months, and had not previously observed tracks laid on the property.


RUDOLPH V. MORABITO
BUILDING INSPECTOR

STATE OF New Jersey)
COUNTY OF Passaic)

ss.:

Sworn to before me this

27th day of June, 2007



A Notary Public of the State of New Jersey

Patricia Cafasso
Notary Public of NJ
My Commission Expires
May 21, 2011

SUSAN E. CHAMPION
PATERSON CORPORATION COUNSEL
155 MARKET STREET
PATERSON, N.J. 07505
PHONE: 973-321-1366
FAX: 973-321-1367
ATTORNEY FOR PLAINTIFF

33
FILED

JUN 28 2007

BURRELL L. HUMPHREYS, J.A.D.

THE CITY OF PATERSON, by its
DEPARTMENT OF
COMMUNITY DEVELOPMENT,

Plaintiff

vs.

SHANNON G., LLC

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
PASSAIC COUNTY

DOCKET NO. PAS-L-1799-07

Civil Action

OTSC & TEMPORARY RESTRAINT

This matter being brought before the Court by application of Susan E. Champion,
Esq., Corporation Counsel of the City of Paterson, ^{AND DAVID M. DECLEMENT, ESQ.} Ben-David Seligman, Esq., appearing;
^

AND THE COURT having reviewed the application of the City of Paterson, by
way of the Department of Community Development, alleging that all construction of
railroad tracks and related structures at the property described as 247-265 Fulton Place,
Paterson, NJ, Block 3202, Lot 10 should be enjoined until such time as the STB matter of
Application of U.S. Rail for Exemption, STB Docket No.: FD-35042 is resolved, and all
applicable appeals therefrom have been exhausted; AND the other submissions
of the parties, AND the record,

AND THE COURT having heard argument from ^{the} parties, including ^{the}
^{DEFENSE COUNSEL who appeared by Telephone} ~~teleconference with David M. DeClement, Esq., counsel for Shannon G., LLC and its~~
~~lessee U.S. Rail.~~

AND for the reasons stated by the court
on the record this date,

~~AND~~ FOR GOOD CAUSE SHOWN;

IT IS ORDERED that Shannon G. show cause before this Court on the 23rd day of July, 2007 at 9:00 a.m./p.m. as to why an Order should not be entered compelling it, as well as its agents, servants, lessees and assigns, to cease and desist from the construction of railroad tracks and related structures at the property described as 247-265 Fulton Place, Paterson, NJ, Block 3202, Lot 10 until such time as the STB matter of Application of U.S. Rail for Exemption, STB Docket No.: FD-35042 is resolved, and all applicable appeals therefrom have been exhausted.

IT IS FURTHER ORDERED that Shannon G., its employees, agents, lessees and assigns immediately cease and desist from building railroad tracks ^{or Rail Road related Structures} upon the property that is the subject matter of this litigation, until ~~the time of the above mandated proceeding before this Court.~~ ^{the Hearing on JULY 23, 2007,}

~~IT IS FURTHER ORDERED that Shannon G., its employees, agents, lessees and assigns immediately cease and desist from building any railroad related structures upon the property that is the subject matter of this litigation, until the time of the above-mandated proceeding before this Court.~~

~~IT IS FURTHER ORDERED that legally-constituted officials and law enforcement officers of the City of Paterson, County of Passaic, and/or the State of New Jersey shall compel Shannon G., as well as its agents, servants, lessees and assigns, to comply with this Order, violation of which shall be deemed contempt of this Court.~~


Hon. Burrell I. Humphreys, J.A.D. (t/a)

Retired

**CITY OF PATERSON
DEPARTMENT OF LAW**

**SUSAN E. CHAMPION
CORPORATION COUNSEL**



CITY HALL
155 MARKET STREET
PATERSON, NJ 07505-1479
PHONE: (973) 321-1366
FACSIMILE: (973) 321-1367

*José "joey" Torres
Mayor*

Via fax to 973 247 8409 and e-mail to wendy.armour@judiciary.state.nj.us

Honorable Robert J. Passero, A. J. S. C.
Superior Court of New Jersey
77 Hamilton Street
Paterson, NJ 07505

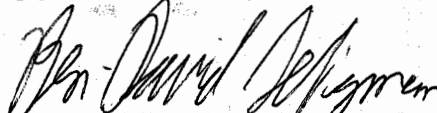
**Re: City of Paterson v. Shannon G., LLC
Docket No. PAS-L-1799-07**

Dear Judge Passero:

This letter is sent to confirm my phone conversation yesterday with Linda DeMarzio of your chambers, that Mr. DeClement's request to reschedule the order to show cause addressing restraints in the above-captioned matter has been granted, and that, specifically, the Court has moved the matter from Monday, July 23, 2007 to **Monday, August 6, 2007 at 1:30 PM.**

Accordingly, by copy of this letter, I will confirm to the City of Paterson Department of Community Improvements, which has been visually monitoring the site for compliance with the temporary restraints imposed on June 28, 2007 by Judge Humphreys, that those restraints will remain in force until at least Monday August 6, 2007.

Very truly yours,
SUSAN E. CHAMPION
CORPORATION COUNSEL

By: 
BEN-DAVID SELIGMAN
Assistant Corporation Counsel

cc: David M. DeClement, Esq. (via fax to 1-856-582-6544 & e-mail to dmdeclement@aol.com)

Kathy Easton, Department of Community Improvements (via fax to x1247)

BDS/

F:\documents\Ben-David Seligman\Fulton Place - Eminent Domain 9870-07\2nd OTSC - tro\7-18-07 re OTSC.doc

35

35

SUPERIOR COURT OF NEW JERSEY

36

ROBERT J. PASSERO
ASSIGNMENT JUDGE



COURTHOUSE
PATERSON, NEW JERSEY 07505

July 18, 2007

Via Fax Only – (973-321-1367)

Number of pages: 1

Ben-David Seligman, Assistant Corporation Counsel
City of Paterson
City Hall
155 Market Street
Paterson, New Jersey 07505-1479

Re: City of Paterson v. Shannon G., LLC
Docket No. PAS-L-1799-07

Dear Mr. Seligman:

I am in receipt of your faxed letter in connection with the above matter.

Please be advised that all restraints imposed by Judge Burrell I. Humphreys will remain in full force and effect until further order of this Court.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. Passero", is written over the typed name.

ROBERT J. PASSERO, A.J.S.C.

RJP:ld

c: *Via Fax Only – (856-582-6544)*

Number of pages: 1

David M. DeClement, Esq.

36

37

MAPQUEST.

Rosa Parks Blvd & Montgomery St
Paterson NJ
07501 US

Notes:

Only text visible within note field will print.

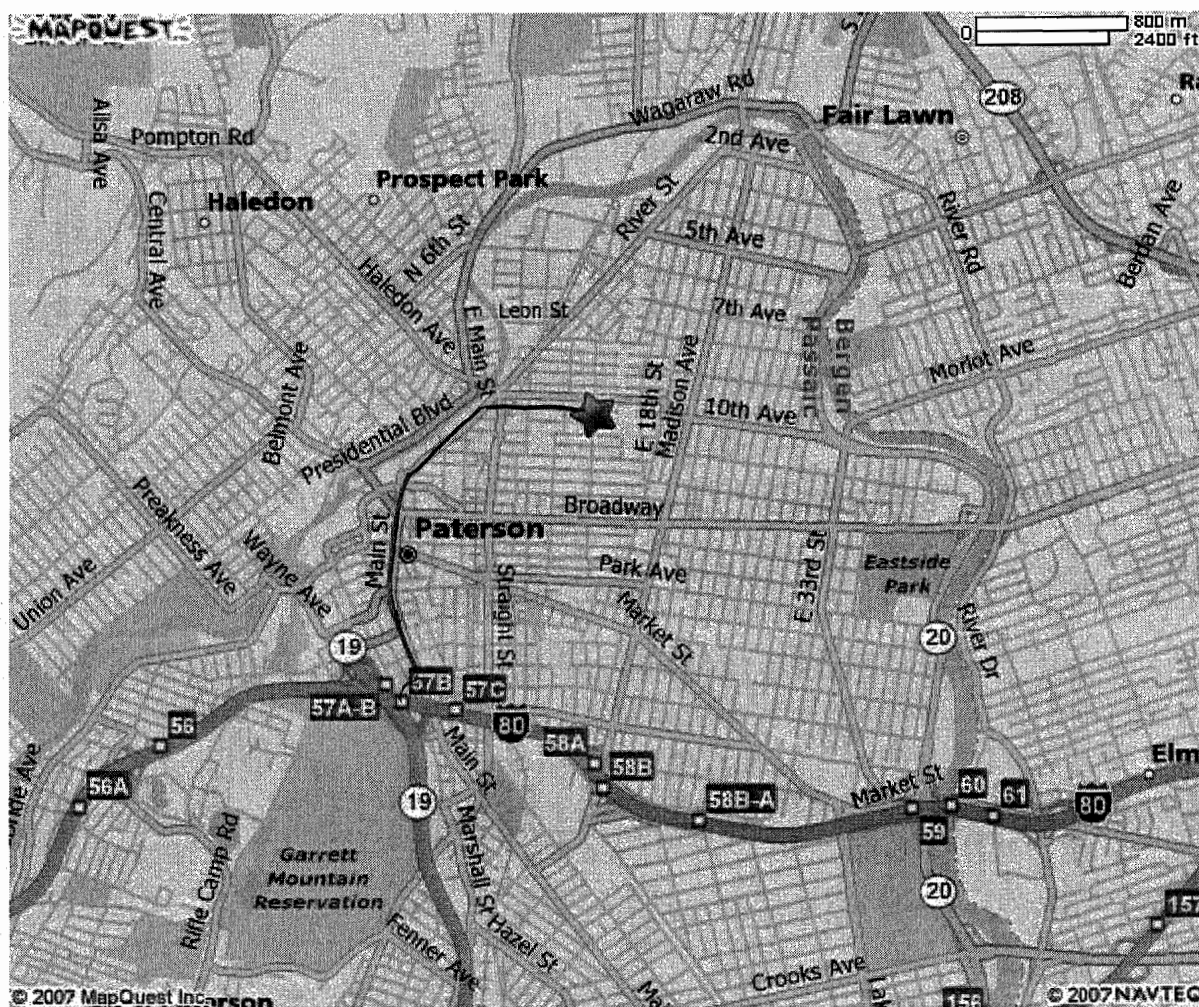
Save Ink!

Send maps and directions
to your mobile phone

Try it Now!



MAPQUEST.
MOBILE



All rights reserved. Use Subject to License/Copyright

This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

[1.7 miles to site
from Interstate 80]



- Urban Renewal/Redevelopment Areas**
- RP-1W -- First Ward Redevelopment Plan
 - RP-4W -- Fourth Ward Redevelopment Plan
 - RP-5W -- Fifth Ward Redevelopment Plan
 - RP-RC -- Redevelopment Plan - River Corridor Redevelopment Area
 - RP-NT -- Redevelopment Plan - CBD North Triangle
 - URP-1A -- Central Business District Urban Renewal Plan I-A
 - URP-1B -- Central Business District Urban Renewal Plan I-B
 - RP-RM -- Redevelopment Plan - River Main Redevelopment Area
 - RP-GFH -- Redevelopment Plan - Great Falls Historic District Area Phases I & II
 - RP-GS -- Redevelopment Plan - Godwin Street Area
 - BHRP-11,111 -- Bunker Hill Redevelopment Plan Phase I, II, III
 - BHRP-IV -- Bunker Hill Redevelopment Plan Phase IV
 - URP-JS -- Jackson Street Urban Renewal Plan
 - RP-MSIP -- Redevelopment Plan - Marshall Street Industrial Park
 - RP-GH -- Redevelopment Plan for Garret Heights

Note: Where in a Redevelopment/Urban Renewal Area the zoning is shown as a specific lot, the Redevelopment/Urban Renewal Plan shall prevail. The Rules, Regulations and Ordinances of the City of San Francisco shall apply to the existing zoning. Zoning shall be shown on the specific lots in the Redevelopment/Urban Renewal Plan.

- Zoning Districts**
- R-1 -- One Family Residential District
 - R-2 -- Low Medium Density Residential District
 - R-3 -- High Medium Density Residential District
 - R-4 -- High Density Residential District
 - B-1 -- Neighborhood Business District
 - B-2 -- Community Business District

0.9 miles to site
from State Route 29

- RP-5W -- Fifth Ward Redevelopment Plan
- RP-RC -- Redevelopment Plan - River Corridor Redevelopment Area
- RP-NT -- Redevelopment Plan - CBD North Triangle
- URP-1A -- Central Business District Urban Renewal Plan 1-A
- URP-1B -- Central Business District Urban Renewal Plan 1-B
- RP-RM -- Redevelopment Plan - River Main Redevelopment Area
- RP-GFH -- Redevelopment Plan - Great Falls Historic District Area Phases I & II
- RP-GS -- Redevelopment Plan - Godwin Street Area
- BHRP-1,II,III -- Bunker Hill Redevelopment Plan Phase I, II, III
- BHRP-IV -- Bunker Hill Redevelopment Plan Phase IV
- URP-JS -- Jackson Street Urban Renewal Plan
- RP-MSIP -- Redevelopment Plan - Marshall Street Industrial Park
- RP-GH -- Redevelopment Plan for Garret Heights

Note: Where in a Redevelopment / Urban Renewal Area as illustrated on this Zoning Map, the precise use of the area is determined by the Redevelopment / Urban Renewal Plan which may supersede the Zoning in the Redevelopment / Urban Renewal Area or create an overlay in the Redevelopment / Urban Renewal Area.



Zoning Districts

- R-1 -- One Family Residential District
- R-2 -- Low Medium Density Residential District
- R-3 -- High Medium Density Residential District
- R-4 -- High Density Residential District
- B-1 -- Neighborhood Business District
- B-2 -- Community Business District
- B-3 -- General Business District
- B-4 -- Central Business District
- I-1 -- Light Industrial District
- I-2 -- Heavy Industrial District
- MUT -- Medium Density Urban Renewal Area

Ordinance of the City of Paterson, N.J.

No. 13 1st Reading No. 03-100

No. 2 Public Hearing
(2nd Rdg. & Final Passage)

Division

TITLE: **ORDINANCE ADOPTING FOURTH WARD
REDEVELOPMENT PLAN**

(CD-ORDINANCE-Fourth Ward-Redevelopment Plan-11-03)

Date DECEMBER 29, 2003
Date to Mayor JANUARY 7, 2004
Date Returned JANUARY 16, 2004
Date Submitted to
Council DECEMBER 16, 2003

Factual Contents Certified to By

Marilee J. ...
Title

Approved As To Form and Legality
on Basis of Facts Set Forth

151 ...
CORPORATION COUNSEL

12/17/03
Date

(41)
Date

COUNCILPERSON KENNETH MORRIS

Introduced the Following Ordinance:

WHEREAS, the preparation of a Redevelopment Plan is part of a comprehensive Master Planning Process; and

WHEREAS, the City of Paterson began its review of its land use regulations in 2002 as part of the preparation of a new Master Plan; and

WHEREAS, the Planning Process identified several areas for further consideration as Redevelopment Areas; and

WHEREAS, the Planning Board of the City of Paterson adopted a new Master Plan in January, 2003, at which time ten areas were identified for study, including a concentration of Residential Areas in the First, Fourth and Fifth Wards; and

WHEREAS, the Community Consulting Firm of Heyer, Gruel & Associates was hired to review and study the areas in question; and

WHEREAS, in October, 2002, information sessions were held in the First, Fourth and Fifth Wards to inform residents of the process and to explain the timeline for conducting the studies and creating plans; and

WHEREAS, after the adoption of the Master Plan in January, 2003, the Planning Board began conducting public hearings on the determination of areas to be designated "Areas in Need of Redevelopment;" and

WHEREAS, this process included hearings designed to consider the creation of a Fourth Ward Development Plan; and

WHEREAS, the Redevelopment Plan becomes the formal planning document guiding the redevelopment and revitalization of the Redevelopment Area; and

WHEREAS, the Redevelopment Plan is required by State statute, N.J.S.A 40A:12A-7, to include an outline for the planning, development, redevelopment or rehabilitation of the Redevelopment Area sufficient to indicate the following:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the Redevelopment Area that is proposed to be acquired in accordance with the Redevelopment Plan.

RECEIVED
CITY OF PATERSON
2003 DEC 17 PM 1:14

OFFICE OF THE
CITY COUNCIL

42

**ORDINANCE ADOPTING FOURTH WARD
REDEVELOPMENT PLAN**

(CD-ORDINANCE-Fourth Ward-Redevelopment Plan-11-03)

Page 2 of 3

5. Any significant relationship of the Redevelopment Plan to:

- a. The Master Plans of contiguous municipalities;
- b. The Master Plan of the County in which the municipality is located; and
- c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (N.J.S.A.52:18A-196 et seq.);

AND WHEREAS, the Redevelopment Plan provides a detailed guide for the revitalization of the Fourth Ward of the City of Paterson.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF PATERSON THAT:

1. The Redevelopment Plan developed in April, 2003, as amended November, 2003, a copy of which has been supplied to each member of the City Council, is hereby adopted.
2. As regulated by law, the Redevelopment Plan becomes effective twenty days after its adoption by Ordinance of the City Council.
3. The Mayor and other City Officials authorized by law are hereby requested and directed to take all necessary action to implement the approved Fourth Ward Redevelopment Plan.
4. Any and all documents necessary to implement the Redevelopment Plan shall be approved as to form by the Law Department.
5. All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.
6. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.
7. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Paterson Code, as appropriate.
8. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.
9. This Ordinance shall take effect upon passage, approval and publication as required by law.

43

43

**ORDINANCE ADOPTING FOURTH WARD
REDEVELOPMENT PLAN**

(CD-ORDINANCE-Fourth Ward-Redevelopment Plan-11-03)

Page 3 of 3

STATEMENT OF PURPOSE

This Ordinance is intended to adopt the Fourth Ward Redevelopment Plan in the City of Paterson.

PLD-CD-Ordinance-Fourth Ward Redevelopment Plan-PJF-10-27-03-pc-r-10-29-03-PJF-r-12-17-03-PJF

SECONDED BY COUNCILPERSON VERA AMES-GARNES/JERRY LUIS ROSADO

Do Not Use Space Below This Line

RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. AMES-GARNES, VERADENE	X			
2. DAVIS, ANTHONY	X			
3. DIXON, JESSIE M.	X			
4. GOOW, ASLON	X			
5. MCKOY, WILLIAM C.	X			
6. MORRIS, KENNETH	X			
7. ROONEY, THOMAS C.	X			
8. ROSADO, JERRY LUIS	X			
9. TORRES, JUAN	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on **DECEMBER 16, 2003** Adopted on
second and final reading after hearing on **DECEMBER 29, 2003**

Approved By JOSE JOEY TORRES Mayor
Rejected By _____
Reconsidered By Council _____
Date _____
Over Ride Vote ☐ Aye ☐ Nay
Council President WILLIAM C. MCKOY
City Clerk JANE B. WILLIAMS-WARREN