

## Eminent domain begins in Montclair

**Montclair** has moved in court Monday to seize private land next to the **Montclair** Police Department to park township police vehicles, using its power of eminent domain in a way some municipal officials say is unnecessary.

STAFF PHOTO BY DIANE HERBST

Montclair seeks to acquire the privately-owned storage lot for DeCozen Chrysler Jeep Dodge and convert it into a parking lot for the adjacent Montclair Police Department Headquarters.

The filing of the lawsuit in Superior Court in Newark follows almost a year of failed negotiations to acquire the 9,500-square-foot space, used to store vehicles for the DeCozen Chrysler Jeep Dodge dealership in **Verona**.

During that time, municipal officials said they had sent letters to property owners Frank and Mary Ann Cerino of **Cedar Grove** and dispatched an appraiser to inspect the property with the couple. It was valued at \$475,000, according to court documents. The township made an offer of that amount for the land but the Cerinos, believed to own the DeCozen dealership, rejected it in April, according to court papers.

Further negotiations failed. The Cerinos, through their attorney John J. Reilly, were holding out for "just compensation," yet the couple would not agree to meet with municipal officials nor say what the compensation should be, according to the lawsuit, called a Complaint in Condemnation.

In September, the Township Council voted 5 to 2 to approve an ordinance appropriating \$475,000 from a capital reserve fund for acquisition of the property, commonly known as the DeCozen property, located at the intersection of Portland Place and Valley Road.

Frank Cerino and his attorney did not return calls or emails Monday for comment. Mary Ann Cerino's phone number is unpublished.

Under eminent domain, the township can take private property for public use, as long as it provides compensation. While the move is constitutional, it raises questions, said First Ward Councilman Bill Hurlock, an attorney and adjunct professor at Seton Hall Law School who voted against the acquisition ordinance in September.

"There is nothing more serious than the government taking private property, in my opinion," Hurlock told **The Montclair Times** this past Monday. "And there has to be a very high standard for the government to do that, and I didn't believe this warranted that type of action."

Fourth Ward Councilwoman Renee Baskerville, who also voted no on the issue, feels it is undesirable for the township to condemn the land because she's not convinced of the need for police parking there.

"Are we really doing it for that purpose? I feel I need more information," Baskerville told **The Times**. "I feel strongly that unless there is something we have to have a property for, I prefer not to do it."



In August, [Montclair](#) Planning Director Janice Talley told The [Montclair](#) Times that the township was in the process of acquiring the land - to be used for public parking to replace the parking spaces lost with the possible creation of a park on the public parking lot at the corner of Valley Road and [Bloomfield](#) Avenue. The plan for the park, however, was voted down by the Planning Board.

Third Ward Councilman Sean Spiller, in whose ward the property is located, said the police need the lot for their cars, many of which are parked along Valley Road near MPD Headquarters. "It's a piece of property in a location where there seems a need for the public benefit," said Spiller. "I hope at some point the parties can get together and amicably figure it out."

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