

Orange Sues Essex County Over Zoo's Train

Claims reservoir property damaged by train tracks; seeks \$1M

By [Joshua Wilwohl](#), April 6, 2011

The tracks of Essex County's Turtle Back Zoo's train ride extend too far, according to Orange Mayor Eldridge Hawkins Jr.

Hawkins, on behalf of the City of Orange, filed a lawsuit Wednesday against Essex County for \$1 million for allegedly misusing the Orange Reservoir property that's located in West Orange. He said the train has damaged the reservoir property since 2002.

The civil complaint, filed in state Superior Court, accuses Essex County Executive Joseph DiVincenzo Jr. and the county of trespassing on Orange's property.

It claims that on Jan. 1, 2002, and "days thereafter," the county constructed and/or operated the train on roughly 1,660 feet of the property. That, according to the complaint, "greatly damaged and spoiled the crops, grass and earth."

The popular children's train ride, which has been a staple of the zoo since 1962, borders the Orange Reservoir, which is off of Northfield Avenue.

It appears that the train issue has been discussed between the county and Hawkins for at least a year.

In a letter, as part of the pending lawsuit, dated Jan. 25, 2010, from Hawkins to DiVincenzo, Hawkins writes that the county's train ride at Turtle Back Zoo runs into the Orange property, but that Orange has not received compensation for the use of the property.

"I will expect that you will provide a written response outlining the county's position so that we can come to an arrangement which is mutually beneficial to both public entities," he wrote.

Hawkins said the county owes the city rent, since 2002, for the roughly 100-acre property. He told Patch that the Jan. 1, 2002, date was chosen after consulting the city's legal team because Orange "thought that was an appropriate span of time" for compensation.

DiVincenzo called the situation "unfortunate."

"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," he said in a statement. "Since the early 1960s, visitors to Turtle Back have enjoyed riding the miniature train for free through a short section of the wooded property. We are positive the court proceedings will establish that the county's use has been lawful and that Orange's attempt to extract \$1 million from the county taxpayers will be dismissed summarily."

Hawkins told Patch Wednesday that the city waited to file the lawsuit because he wanted to give the county enough time to discuss a deal.

"It was important to wait because Orange is not in the business of picking fights or starting wars, so I think it would have been inappropriate to file a lawsuit right away," he said. "We wanted to try to get a reasonable response."

This lawsuit comes at a time when the county and the city are in heated negotiations over purchase of the property.

The county executive has poured millions during the last few years into the 36-acre South Mountain Recreation Complex, which now includes the Turtle Back Zoo, Richard J. Codey Arena, a three-story Park N Ride facility, a 300-space surface parking lot, miniGOLF Safari and a soon-to-be-built boathouse restaurant.

DiVincenzo has said he wants to purchase the property in question to add to the complex's expansion.

"I want to take that offer and put \$3 million into it so it can be utilized not just by residents in Orange, but people throughout the county and the state," he told Patch, during a press conference Tuesday for the groundbreaking of a boathouse restaurant adjacent to the property in question. "We want to bring everyone here to bring in revenue so that they can utilize this entire complex and spend their dollars here in Essex County."

The city of Orange rejected a \$700,000 offer from the county for the reservoir property in March. DiVincenzo said the reservoir property is appraised for \$660,000.

Hawkins said Orange is not interested in selling the property, but would consider a "fair and reasonable lease."

"Unfortunately, the county has insisted on purchasing the property for an amount well below its value," he said. "Adding insult to injury, the county has threatened to use eminent domain if we do not sell them the property on their terms."

The mayor said Orange also put out an RFP — a Request for Proposal — last week to investigate possible developments on the property.

"There's interest to develop land on our own to take full advantage of any dollars on the property," said Hawkins.

DiVincenzo told Patch Tuesday that the county has made a second offer for the reservoir, but he declined to discuss specifics.

Orange Councilman Rayfield Morton told Patch he would like to see the land developed so that the city can benefit, "It's very valuable because we can do so many things up there."