

**ORDINANCE 2022-05**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**ORDINANCE AUTHORIZING THE ACQUISITION AND PURCHASE OF  
REAL PROPERTY WITHIN THE BOROUGH OF METUCHEN SPECIFICALLY  
BLOCK 132, LOT 40, COMMONLY KNOWN AS 98 ESSEX AVENUE FROM  
VALCARI, ESSEX, LLC**

**WHEREAS**, *N.J.S.A.* 40A:12-5(a) provides that any municipality, by ordinance, may provide for the acquisition of real property by purchase; and

**WHEREAS**, the Mayor and Council of the Borough of Metuchen, pursuant to *N.J.S.A.* 40A:12-5, have determined to acquire and purchase certain real estate, Block 132, Lot 40, commonly known as 98 Essex Avenue (“the Property”) to be used for municipal purposes for the site of a future Emergency Services Center in the Borough of Metuchen; and

**WHEREAS**, pursuant to *N.J.S.A.* 40A:12-5(a)(1), and the Eminent Domain Act of 1971 *N.J.S.A.* 20:3-1 et seq. (the “Eminent Domain Act”) the Borough is authorized to acquire the Property for a public purpose; and

**WHEREAS**, the Borough of Metuchen has discussed the proposed purchase with the current owner of the Property, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and have negotiated the general terms and conditions of the sale and the Borough’s acquisition; and

**WHEREAS**, the Borough of Metuchen, has determined and agreed to acquire and/or purchase the Property from the current owner for five hundred thirty-five thousand dollars (\$535,000.00) for the Property; and

**WHEREAS**, on March 14, 2022, the Borough Council adopted Ordinance No. 2022-03, entitled “CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND FOR THE SITE OF A FUTURE EMERGENCY SERVICES CENTER IN, BY, AND FOR THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY” to provide for the funds for the acquisition of the Property referenced herein.

**NOW THEREFORE BE IT ORDAINED**, that the Mayor and Council of the Borough of Metuchen hereby authorize the acquisition and purchase of Block 132, Lot 40 on the tax maps of the Borough of Metuchen, commonly known as 98 Essex Avenue, Metuchen, New Jersey according to the specific terms of the Contract of Sale negotiated and entered into between the Seller, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and the Buyer, Borough of Metuchen for the purchase price not to exceed five hundred thirty-five thousand dollars (\$535,000.00); and

**BE IT FURTHER ORDAINED**, that the Mayor, Acting Borough Clerk, Borough Administrator, Borough Special Projects Director and Borough Attorney, and any other Borough

officials and employees as directed by the Borough Administrator (“Authorized Persons”) are hereby authorized, directed and empowered to carry out all necessary actions in order to effectuate and comply with the terms and provisions of the Contract of Sale for Real Estate between the Seller, Valcari Essex LLC, 601 Ocean Parkway, Brooklyn, NY 11218 and the Buyer, Borough of Metuchen and to take all other necessary action and execute any required documents in order to effect the purchase and acquisition and transfer of title of the Property to the Borough of Metuchen; and

**BE IT FURTHER ORDAINED**, by the Council of the Borough of Metuchen that any and all actions previously taken by the Authorized Persons in connection with the purchase and acquisition of the Property are hereby ratified and confirmed; and

**BE IT FURTHER ORDAINED**, that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**BE IT FURTHER ORDAINED**, that This Ordinance shall take effect upon its final passage and publication as provided by law.

Introduction: April 11, 2022  
 Date of Publication: April 14, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				KANDEL	X			
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
<b>MOTION</b>	<b>DELIA</b>			<b>SECOND</b>		<b>RASMUSSEN</b>			
X – INDICATES VOTE                      AB- ABSENT                      NV- NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on April 11, 2022.

  
 Deborah Zupan  
 Acting Borough Clerk



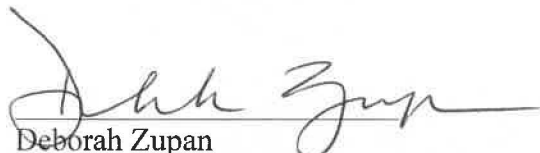
Ord. 2022-05

Adopted: May 9, 2022

Date of Publication: May 12, 2022

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH	X				KANDEL				X	
DELIA	X				KOSKOSKI	X				
HIRSCH	X				RASMUSSEN	X				
MOTION	DELIA			SECOND			RASMUSSEN			
X - INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			


I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on May 9, 2022.

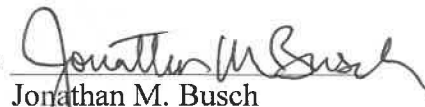
  
 Deborah Zupan  
 Acting Borough Clerk



ATTEST:

BOROUGH OF METUCHEN

  
 Deborah Zupan  
 Acting Borough Clerk

By:   
 Jonathan M. Busch  
 Mayor