

ORDINANCE 2023-31

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

ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 183.2, LOT 5.2 (304 MAIN STREET) IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR PUBLIC PURPOSE PURSUANT TO N.J.S.A. 40A:12A-8 and N.J.S.A. 20:3-1, ET SEQ.

WHEREAS, the Borough of Metuchen (the “Borough”) wishes to acquire a certain property along Main Street for public purpose; and

WHEREAS, the property known as Block 183.2, Lots 5.2, 6, 7 and 8 (304 Main Street) (the “Property”) on the Tax Map of the Borough of Metuchen is desired by the Borough to be used for the Expanded Metuchen Art District; and

WHEREAS, if the Borough is unable to acquire the property for fair market value through good faith negotiations, the Borough wishes to exercise its rights pursuant to N.J.S.A. 20:3-1 et seq. and N.J.S.A. 40A:12A-8; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey as follows:

- A. The Borough is authorized to engage in good faith negotiations with the owner of the Property for the acquisition of the Property at fair market value; and
- B. If the parties can agree to a fair market value acquisition of the Property, the Mayor of the Borough is authorized to execute all necessary documentation to effectuate same; and
- C. If the parties cannot agree to a fair market purchase price, the Borough is authorized to commence eminent domain and/or condemnation proceedings to acquire the Property using the processes approved in N.J.S.A. 20:3-1 et seq. and N.J.S.A. 40A:12A-8; and
- D. The Mayor of the Borough is duly authorized to execute any and all documents and affidavits related to the legal proceedings involved in acquiring the Property; and
- E. The Borough Attorney or special counsel and such other appropriate officials as necessary be and are hereby authorized to acquire said land interests, either by negotiation or by instituting action by exercising the Borough's right of eminent domain (condemnation); and
- F. The Borough Attorney and other appropriate officials be and are hereby authorized to hire and employ such appraisers, consultants and experts as may be appropriate to effectuate said acquisitions, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services; and

G. The Borough Council of the Borough of Metuchen authorizes the filing of a Declaration of Taking in relation to acquiring the Property as required under the applicable statute; and

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereby shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Introduction: November 27, 2023

Date of Publication: December 1, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	HIRSCH	X			
DELIA	X				HYMAN				X
GIAMBOI	X				KANDEL	X			
MOTION	DELIA			SECOND	GIAMBOI				
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 November 27, 2023.

Deborah Zupan, RMC
Borough Clerk

Adopted: December 11, 2023
 Date of Publication: December 15, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HIRSCH	X			
DELIA	X				HYMAN	X			
GIAMBOI	X				KANDEL				X
MOTION	DELIA			SECOND		GIAMBOI			
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 December 11, 2023.

 Deborah Zupan, RMC
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan, RMC
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor