

ORDINANCE 2024-06

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

ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY WITHIN THE BOROUGH OF METUCHEN SPECIFICALLY BLOCK 132, LOTS 10 THROUGH 27, AND LOTS 49 THROUGH 51, COMMONLY KNOWN AS 1 SAFETY PLACE FROM METUCHEN SAFETY COUNCIL, INC. ("METUCHEN EMS") FOR THE CONSTRUCTION OF A NEW EMERGENCY SERVICES BUILDING AND OUTBUILDING PROJECT

WHEREAS, the Borough is in the process of the design and construction of a new Emergency Services Building and Outbuilding Project to be located at 1 Safety Place, Metuchen, New Jersey for among other things a new location for the Metuchen Fire Department and Metuchen EMS; and

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 10 through 27, and Lots 49 through 51, commonly known as 1 Safety Place ("the Property") to be used for municipal purposes for the site of a future Emergency Services Building and Outbuilding 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, Metuchen Safety Council, Inc. ("Metuchen EMS") is the owner of the real property located at Block 132, Lots 10 through 27, and Lots 49 through 51 as shown on the tax map of the Borough of Metuchen, NJ; and

WHEREAS, the Borough seeks to acquire title to the Property in order to complete the design and construction of the new Emergency Services Building and Outbuilding Project which shall include, among other things, space for the continued operations of the Metuchen Fire Department and the Metuchen EMS; and

WHEREAS, the Metuchen EMS wishes to convey the Property to the Borough of Metuchen in return for, among other things, short-term lease agreements for Metuchen EMS' continued operations and temporary location/s at the Borough's costs and expense and a long-term lease agreement between the Metuchen EMS and the Borough of Metuchen that would permit the Metuchen EMS to utilize a portion of the new Emergency Services Building and Outbuilding for its continued operations for a nominal cost to the Metuchen EMS; and

WHEREAS, the Borough of Metuchen has discussed the proposed acquisition with the Metuchen EMS and have negotiated and drafted the general terms and conditions of the sale and the Borough's acquisition, entitled "Agreement of Sale Between the Metuchen Safety Council, Inc. and the Borough of Metuchen" ("Agreement of Sale"); and

WHEREAS, the Mayor and Council of the Borough of Metuchen have determined that the acquisition under the terms and conditions of the Agreement of Sale of the Property is in the best interest of the Borough of Metuchen for its future public use for among other things, the location of the Metuchen Fire Department and the Metuchen EMS.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Council of the Borough of Metuchen hereby authorize the acquisition and purchase of Block 132, Lots 10 through 27, and Lots 49 through 51 on the tax maps of the Borough of Metuchen, commonly known as 1 Safety Place, Metuchen, New Jersey according to the specific terms and condition of the Agreement of Sale negotiated by the Parties; and

BE IT FURTHER ORDAINED, by the Borough Council that the Mayor, and Borough Clerk are hereby authorized, directed and empowered to the execute the Agreement of Sale in the form consistent with the Agreement of Sale on file with the Borough Clerk and in a final form acceptable to the Mayor and Borough Administrator; and

BE IT FURTHER ORDAINED, that the Mayor, Borough Clerk, Borough Administrator, 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 Agreement of Sale, 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, that the Mayor, Borough Clerk, Borough Administrator, 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 negotiate, enter into such further lease agreements for a nominal amount with the Metuchen EMS for its continued location at 1 Safety Place until such time it is necessary for the Borough to take possession of the Property and for the temporary location/s of the Metuchen EMS' operations and for the Long Term Lease Agreement with the Metuchen EMS for Metuchen EMS to utilize a portion of the new Emergency Services Building and Outbuilding upon its completion for its continued operations for a nominal cost to the Metuchen EMS; 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: February 12, 2024

Date of Publication: February 18, 2024

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH				X	HYMAN	X				
DELIA	X				JETHWANI	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 February 12, 2024.


 Deborah Zupan, RMC
 Borough Clerk



Adopted: March 4, 2024

Date of Publication: March 8, 2024

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH				X	HYMAN	X				
DELIA	X				JETHWANI	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 adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on March 4, 2024.

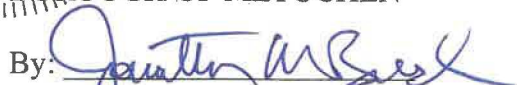

 Deborah Zupan, RMC
 Borough Clerk



ATTEST:


 Deborah Zupan, RMC
 Borough Clerk

BOROUGH OF METUCHEN

By: 
 Jonathan M. Busch
 Mayor