

**ORDINANCE 2024-22**

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

**ORDINANCE OF THE BOROUGH OF METUCHEN AUTHORIZING THE  
CONVEYANCE OF A TEMPORARY ACCESS AND CONSTRUCTION EASEMENT TO  
THE STATE OF NEW JERSEY FOR A PORTION OF METUCHEN PROPERTY  
KNOWN AS BLOCK 26 LOT 67 ON THE OFFICIAL TAX MAP OF THE BOROUGH  
OF METUCHEN**

**WHEREAS**, by way of correspondence dated June 28, 2024, the Department of Transportation of the State of New Jersey offered to purchase from the Borough of Metuchen a temporary construction easement for a portion of Metuchen property known as Block 26, Lot 67 on the Official tax map of the Borough of Metuchen; and

**WHEREAS**, in lieu of proceeding under the Eminent Domain Act (*N.J.S.A. 20:3-1*, et seq.), the New Jersey Department of Transportation ("NJDOT") has offered to purchase the temporary construction easement upon property owned by the Borough of Metuchen and designated on the Borough's tax maps as Block 26 Lot 67 (the "Property") for Three thousand Dollars (\$3,000.00) for the Grove Avenue Bridge Over Port Reading Railroad Project; and

**WHEREAS**, NJDOT has provided an appraisal report completed by Meehan Valuation with its offer supporting a fair-market valuation of \$3,000 for the Property, which the Borough Assessor has reviewed and has determined to be acceptable; and

**WHEREAS**, the portion of the Property for which an easement is sought is less than one acre (0.08 acres) in size and is approximately four hundred sixty-four (464) square feet; and

**WHEREAS**, the Property is not needed for Borough purposes for the proposed term of the temporary construction easement; and

**WHEREAS**, based upon the Borough Tax Assessor's review and evaluation, the Mayor and Borough Council have determined that the price offered by the State is fair and equitable consideration for the purchase of the conveyance of a Temporary Construction Easement on the Property and the Borough desires to sell and convey a Temporary Construction Easement on the Property to NJDOT voluntarily by way of agreement in order to realize a greater benefit for the Borough and avoid litigation under the Eminent Domain Act.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Metuchen that it hereby authorizes the conveyance of a temporary construction easement on Borough property designated on the tax map as Block 26, Lot 67 to the State of New Jersey for Three Thousand Dollars (\$3,000.00) for the Grove Avenue Bridge Over Port Reading Railroad Project; and

**BE IT FURTHER ORDAINED** that the Mayor, Borough Clerk and all other Borough employees and officials are hereby authorized to execute any and all documents necessary and to take all action necessary to effectuate the within Ordinance, including but not limited to the execution of a Temporary Construction Easement, consistent with the terms and conditions of this Ordinance in a form acceptable to the Mayor and Borough Administrator; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and.

**BE IT FURTHER ORDAINED** this Ordinance shall take effect upon final passage and publication according to law.

Introduction: September 23, 2024

Date of Publication: September 27, 2024

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN				X
DELIA	X				JETHWANI	X			
GIAMBOI	X				KANDEL				X
<b>MOTION</b>	<b>DELIA</b>			<b>SECOND</b>			<b>GIAMBOI</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 September 23, 2024.

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Deborah Zupan, RMC  
Borough Clerk

Adopted: October 7, 2024  
Date of Publication: October 11, 2024

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				JETHWANI				X
GIAMBOI	X				KANDEL				X
<b>MOTION</b>	<b>GIAMBOI</b>				<b>SECOND</b>		<b>BRANCH</b>		
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 October 7, 2024.

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Deborah Zupan, RMC  
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

\_\_\_\_\_  
Deborah Zupan, RMC  
Borough Clerk

By: \_\_\_\_\_  
Jonathan M. Busch  
Mayor