

11-13
ORDINANCE OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY APPROVING THE
ACQUISITION OF CERTAIN LAND BY THE
BOROUGH OF MERCHANTVILLE FROM MALIK &
SON LLC, AND AUTHORIZING THE LITIGATION
NECESSARY TO IMPLEMENT SAID ACQUISITION

WHEREAS, the Borough of Merchantville (hereinafter “Merchantville”) is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, by Resolution adopted on January 11, 2010, and pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:20-1 et seq. (“Local Redevelopment and Housing Law”), set forth at N.J.S.A. 40A:12A-6(a), the Borough Council of the Borough of Merchantville (“Borough”) directed the Planning Board of the Borough of Merchantville (“Planning Board”) to conduct a preliminary investigation to determine whether an area comprising the West Maple Avenue Redevelopment Area, inclusive of Lots 2 & 3 in Block 9 on the Official Tax Map of the Borough (hereinafter designated as the “West Maple Avenue Redevelopment Area”) as an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law; and

WHEREAS, the Planning Board conducted a preliminary investigation in accordance with the guidelines set forth in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-6, and held a public hearing on this matter; and

WHEREAS, by Resolution adopted on June 8, 2010, and pursuant to N.J.S.A. 40A:12A-6(b)(5), the Planning Board recommended to the Borough Council that the Merchantville West

Maple Avenue Redevelopment Area be determined to be an area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, by Resolution adopted July 11, 2010, the Borough Council approved the Planning Board’s recommendation that the area comprising the stated West Maple Avenue Redevelopment Area was determined to be an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-6; and

WHEREAS, by Ordinance adopted June 13, 2011, the Borough Council adopted the Redevelopment Plan of the Borough of Merchantville (“Redevelopment Plan”) for the Redevelopment Area, based on the report containing the recommendation of the Planning Board following the Planning Board’s review of the Redevelopment Plan; and

WHEREAS, the Malik & Son LLC is the owner of real property located at 606 West Maple Avenue, more fully described as Lots 2 & 3 in Block 9 on the Official Tax Map of the Borough of Merchantville, which is within the boundaries of the stated West Maple Avenue Redevelopment Area; and

WHEREAS, Merchantville has made a bona fide offer to purchase the above referenced property from Malik & Son LLC for consideration in the amount of Two Hundred, Seventy Thousand (\$270,000.00) Dollars; and

WHEREAS, this bona fide offer to purchase this property made by Merchantville has been rejected by Malik & Son LLC; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Malik & Son LLC; and

WHEREAS, the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the acquisition of the real property located at 606 West Maple Avenue, in the Borough of Merchantville, more fully described as Lots 2 & 3 in Block 9 on the Official Tax Map of the Borough of Merchantville from the Malik & Son LLC is hereby approved; and

AND BE IT FURTHER ORDAINED that Frank M. North, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville; and

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing Ordinance was introduced by the Mayor and Borough Council at the regular meeting held on November 14, 2011. This Ordinance will be considered for adoption on final reading and public hearing to be held on December 12, 2011 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to approve a acquisition of certain land by the Borough of Merchantville from Malik & Son LLC located at 606 West Maple Avenue, Merchantville, New Jersey. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.