

16-04

**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 GUSTAV  
BASS AND GEORGE F. SMITH, 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**, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough’s authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

**WHEREAS**, the Gustav Bass and George F. Smith (“Bass and Smith”) are the owners of real property located at 309 Plymouth Place, more fully described as Lot 20 in Block 43 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS**, Merchantville has made a bona fide offer to purchase the above referenced property from Bass and Smith for consideration in the amount of Forty-four Thousand, One Hundred, Ninety-four (\$44,194.00) Dollars; and

**WHEREAS**, it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Bass and Smith; and

**WHEREAS**, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Bass and Smith; 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 under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 309 Plymouth Place, in the Borough of Merchantville, more fully described as Lot 20 in Block 43 on the Official Tax Map of the Borough of Merchantville from the Gustav Bass and George F. Smith is hereby approved; and

**AND BE IT FURTHER ORDAINED** that Edward F. Brennan, 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 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:** \_\_\_\_\_  
**EDWARD F. BRENNAN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**DENISE BROUSE, BOROUGH CLERK**

The foregoing Ordinance was introduced by the Mayor and Borough Council at the regular meeting held on April 11, 2016. This Ordinance will be considered for adoption on final reading and public hearing to be held on April 25, 2016 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 Gustav Bass and George F. Smith. 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.

**I hereby certify this to be a true copy of an Ordinance adopted by the  
Governing Body of the Borough of Merchantville at the Council Meeting  
held on, April 25, 2016.**

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**Denise L. Brouse, BOROUGH CLERK**