

18-01
**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 ANN J.
WHEATLEY AND CALVIN WHEATLEY, AND/OR
BANK OF AMERICA, N.A., 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, Ann J. Wheatley and Calvin Wheatley (“Wheatley”), and/or Bank of America, N.A. (“BOA”) is/are the owner(s) of the real property located at 323 Woodbine Avenue, more fully described as Lot 21 in Block 17 on the Official Tax Map of the Borough of Merchantville; and

WHEREAS, Merchantville has made a determination that no compensation that it will cost far more to rehabilitate the Abandoned Property than the Borough can recoup from the sale of the rehabilitated Abandoned Property, the Borough takes the position that, pursuant

to the rebuttable presumption mandated by New Jersey's Abandoned Property Rehabilitation Act, N.J.S.A. 55:19-102, the fair market value of this Abandoned Property is zero and therefore no compensation is due; and

WHEREAS, it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Wheatley and/or BOA; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Wheatley and/or BOA; 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 323 Woodbine Avenue, in the Borough of Merchantville, more fully described as Lot 21 in Block 17 on the Official Tax Map of the Borough of Merchantville from Ann J. Wheatley and Calvin Wheatley, and/or Bank of America, N.A., 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 January 22, 2018. This Ordinance will be considered for adoption on final reading and public hearing to be held on February 12, 2018 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 the acquisition of certain land by the Borough of Merchantville from Ann J. Wheatley and Calvin Wheatley, and/or Bank of America, N.A. 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.