

ORDINANCE NO. 2016:01

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BOUND BROOK AS BLOCK 1, LOTS 57 & 70 LOCATED AT 408 EAST MAIN STREET IN REDEVELOPMENT AREA 1 FOR A PUBLIC PURPOSE

BE IT ORDAINED by the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey as follows:

1. Pursuant to the Local Redevelopment and Housing Law, specifically N.J.S.A. 40A:12A-8, the Borough Council of the Borough of Bound Brook (hereinafter the "Borough Council"), acting as the redevelopment entity, is authorized to acquire property located within a designated redevelopment area by negotiation or condemnation.
2. Pursuant to N.J.S.A. 40A:12A-5, Redevelopment Area 1 was determined to be an area in need of redevelopment by the Borough Council, and the Borough took further action to determine that certain property, specifically Block 1, Lots 57 & 70 (the "Property") is a condemnation redevelopment area and complies with the 2013 amendments to the Local Redevelopment and Housing Law through the adoption of Resolution R-2015:108 on July 14, 2015.
3. The Borough provided notice of adoption of Resolution R-2015:108 to the Property owner, Anthony Todaro, 724 Amwell Road, Hillsborough, New Jersey 08844, by certified mail on July 22, 2015 and no challenge to the Borough's action was filed.
4. Pursuant to N.J.S.A. 40A:12A-7, on August 11, 2015, an Amended Redevelopment Plan for Redevelopment Area 1 was been adopted by the Borough Council.
5. The Amended Redevelopment Plan for Redevelopment Area 1 identifies the Property as to be acquired and redeveloped.
6. The Borough has determined that it would serve the public purposes of the Borough and the Local Redevelopment and Housing Law for it to acquire the fee simple interest in the Property by negotiation or condemnation to facilitate the redevelopment of the Property for a commercial project.
7. The Property consists of a dilapidated former bank building that has been vacant

for a number of years, thus the acquisition will not require any relocation.

8. Pursuant to the terms of the Redevelopment Agreement by and between Meridia, Downtown Hospitality, LLC (the "Redeveloper") and the Borough, dated February 26, 2015 (the "Redevelopment Agreement"), Redeveloper is required to fully fund the acquisition of the Property.
9. Pursuant to the Redevelopment Agreement, the Redeveloper is required to attempt to acquire the Property through private negotiations with the Property owner.
10. The Redeveloper and Property owner have negotiated in an effort for the private acquisition and sale of the Property with no agreement having been reached, thus the Redeveloper has requested that the Borough acquire the Property in accordance with the terms of the Redevelopment Agreement.
11. The Borough retained an appraiser to conduct an appraisal of the Property and the appraised value of the Property is \$470,000.00, as reflected in a report dated November 6, 2015 prepared by Sockler Realty Services Group Inc.

BE IT FURTHER ORDAINED as follows:


1. The Borough authorizes the acquisition by negotiation and/or condemnation of the following property: Block 1, Lots 57 & 70, also known as 408 East Main Street, owned by Anthony Todaro, 724 Amwell Road, Hillsborough, New Jersey 08844.
2. The Borough authorizes all actions necessary and convenient for the acquisition of the Property by negotiated purchase and/or condemnation in accordance with the Local Redevelopment and Housing Law and the Condemnation Law, N.J.S.A. 20:3-1 et seq.
3. Pursuant to the Redevelopment Agreement, if the Borough is unable to acquire the Property through negotiation, prior to the Borough commencing a condemnation action, the Redeveloper is required to deposit the appraised value of the Property plus 20% in escrow with the Borough's escrow agent.

BE IT FURTHER ORDAINED as follows:

1. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

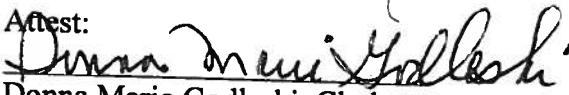
2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.
3. This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

Approved:



Acting Mayor/Council President Abel Gomez

Attest:



Donna Marie Godleski, Clerk

Date of Introduction: January 26, 2016
Date of Adoption: February 9, 2016