

# Borough of Fair Lawn



## ORDINANCE NO. 2679-2023

### **AN ORDINANCE OF THE BOROUGH OF FAIR LAWN AUTHORIZING THE ACQUISITION BY PURCHASE OF REAL PROPERTY IDENTIFIED AS BLOCK 5614, LOT 23 LOCATED AT 13-01 5<sup>TH</sup> STREET, FAIR LAWN, NEW JERSEY**

The purpose of this ordinance is to authorize the Borough of Fair Lawn to acquire, at a purchase price of \$1.00, real property at Block 5614, Lot 23 (the "Property"), located 13-01 5<sup>th</sup> Street, Fair Lawn, New Jersey.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Fair Lawn in the County of Bergen and State of New Jersey, as follows:

**WHEREAS**, the Borough of Fair Lawn has determined that acquisition of the Property is of benefit to the Borough of Fair Lawn and its residents for the construction of affordable housing units and this acquisition is pursuant to and consistent with a Developer's Agreement entered into by the Borough of Fair Lawn for the development of other property within the Borough of Fair Lawn; and

**WHEREAS**, N.J.S.A. 40A:12-1 et seq. authorizes a municipality by Ordinance to acquire real property by purchase, gift or other exchange; and N.J.S.A. 40A:12-5 requires that such acquisition be authorized by Ordinance; and

**WHEREAS**, the Borough of Fair Lawn has received a Title Report on the Property prepared by Chicago Title Insurance Company which identifies no encumbrances on the Property, and whereas a final updated Title Report will be obtained and reviewed by the Borough Attorney prior to closing on the acquisition of the Property by the Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn have determined that acquisition of the Property for the sum of One and 00/100THS (\$1.00) Dollars is in the best interests of the Borough of Fair Lawn and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor & Council of the Borough of Fair Lawn in the County of Bergen, New Jersey (the "Borough"), that:

**SECTION 1.** The Borough Mayor, the Borough Manager, the Borough Clerk and the Borough Attorney shall be and are hereby authorized

to take such actions as are necessary to effectuate the acquisition of the Property by the Borough, and the transfer of the Property to the Borough by way of a Quit-Claim Deed with Covenant Against Grantor's Acts, at an acquisition cost of One and 00/100THS (\$1.00) Dollars.

**SECTION 2.** The Mayor, the Borough Manager, the Borough Clerk and the Borough Attorney shall be and are hereby authorized to prepare and execute such documents as are necessary to effectuate the acquisition of the Property and the intent of this Ordinance.

**SECTION 3.** Inconsistency: should any provision of this Ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

**SECTION 4.** Severability: in the event that any provision of this Ordinance, or the application of thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, and to realize this intent, the provisions and application of this ordinance are declared to be severable.

**SECTION 5.** Purpose of Captions: captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 6.** Effective Date: This Ordinance shall take effect in accordance with applicable law.

**Introduced:** September 19, 2023

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich			X			
Cutrone		X	X			
Krause	X		X			
Peluso			X			

**Adopted:** October 24, 2023

	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Reinitz			X			
Rottenstrich	X		X			
Cutrone		X	X			
Krause			X			
Peluso			X			

**Attest:**



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Nicholas J. Magarelli, RMC  
Municipal Clerk

**Approved:**



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Kurt Peluso  
Mayor