



**2018
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
DI PAOLO				✓
LaBRUNO	✓			
MANNA	✓			
RIQUELME	✓			
ROSSILLO				✓
STEWART	✓			
MAYOR KELLY				
TOTALS	4			2

Ordinance No. 1551

Date: September 4, 2018

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Subject: Purchase 27 W. Quackenbush and Lease Property at Aladdin

Purpose: Approval

Dollar Amount:

Prepared By: David Lafferty, Esq.

Offered by: LaBruno

Seconded by: Stewart

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY BY THE BOROUGH OF DUMONT AT 27 W. QUACKENBUSH AVENUE, DUMONT, NEW JERSEY 07628 AND THE LEASING OF REAL PROPERTY DESIGNATED AS BLOCK 203, LOT 17 IN THE BOROUGH OF DUMONT TO DWAIN ASPLINT

WHEREAS, the Borough of Dumont intends to construct a new municipal headquarters building in the Borough of Dumont; and

WHEREAS, the Mayor and Council of the Borough of Dumont concludes that it would serve a public purpose and the public good if the Borough of Dumont acquires real property designated

as Block 1215, Lot 6 on the tax map of the Borough of Dumont and commonly known as 27 West Quackenbush Avenue, Dumont, New Jersey (the subject property);

WHEREAS, the subject property is presently owned by Dwain Asplint (“Asplint”);

WHEREAS, on or about July 24, 2018, the Borough of Dumont commenced eminent domain proceedings against the subject property by the filing of a Verified Complaint and Order to Show Cause in the Superior Court of New Jersey, Law Division, Bergen County;

WHEREAS, ongoing settlement discussions between the Borough of Dumont and the owner of the subject property have resulted in an agreement to resolve said eminent domain proceedings; and

WHEREAS, the Borough desires to acquire the subject property in fee simple ownership and to enter into a five (5) year lease for other Borough-owned property with Asplint so as to permit Asplint to re-locate his business within the Borough of Dumont;

THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Dumont in the County of Bergen and State of New Jersey that it hereby authorized to acquire, Block 1215, Lot 6, also knowns as 27 West Quackenbush Avenue, Dumont, New Jersey, for an amount not to exceed \$430,000.00 payment to Asplint, subject to such other usual and customary closing adjustments;

BE IT FURTHER ORDAINED, that contemporaneous with the closing on the subject property, the Borough of Dumont shall enter into a certain lease agreement with Asplint to permit Asplint’s use of real property owned by the Borough of Dumont and designated as Block 203, Lot 17 on the Borough of Dumont Tax Map and commonly referred to as 6 Aladdin Avenue, Dumont, New Jersey;

BE IT FURTHER ORDAINED, that the term of such lease shall be five (5) years and in consideration for Asplint’s agreement to resolve this matter, Asplint shall be entitled to three (3) years rent free, and the rent for the remaining two years shall be \$1,000.00 per month as per a lease agreement to be executed by and between Asplint and the Borough of Dumont;

BE IT FURTHER ORDAINED, that the Borough Clerk, Borough Administrator, Borough Attorney, and such other municipal officials as are appropriate are hereby authorized to execute such documents and undertake such action as is necessary to carry out the purpose of this ordinance.

Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: September 4, 2018

Adopted: