

ORDINANCE 04-2022

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AUTHORIZING THE BOROUGH TO ACQUIRE AND CLOSE ON THE FIRST AMENDED PURCHASE AND SALE AGREEMENT AND REDEVELOPMENT AGREEMENT WITH FORT MONMOUTH REVITALIZATION AUTHORITY FOR THE NICODEMUS PARK PARCEL

WHEREAS, the Borough entered into a Purchase and Sale Agreement and Redevelopment Agreement ("PSARA") with the Fort Monmouth Economic Revitalization Authority ("FMERA") dated November 30, 2020 whereby FMERA agreed to sell and the Borough agreed to purchase and redevelop the Nicodemus Park Parcel (the "Park Parcel") for recreational use, located within the Borough on Fort Monmouth (the "Property"); and

WHEREAS, the Borough entered into a First Amended PSARA on or about July 28, 2021 to obtain an additional parcel of land adjacent to the Property comprised of open space and roadway situated immediately south of Van Guard Avenue (the "Van Guard Parcel") approximately .79 acres in size incorporating the Van Guard Parcel into the Park Parcel to expand the recreational area for the park and provide convenient access to the Property; and

WHEREAS, the Borough Engineer has performed a Site Investigation and other necessary studies in connection with the FMERA and the First Amended PSARA; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to purchase the Park Parcel from FMERA to create an additional park for the benefit and use by the Borough residents.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby approves the acquisition of the Park Parcel and the Mayor is hereby and Mayor is hereby authorized and empowered to execute any all documents necessary to complete the closing in conformance with the First Amended PSARA.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: February 9, 2022  
PUBLIC ADOPTED: February 23, 2022

ATTEST :

  
Julie Martin, Municipal Clerk  
Date: 2/24/2022

APPROVED:

  
Anthony Talerico, Jr., Mayor  
2/24/2022