

**ORDINANCE 2023-22**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT AND  
MAINTENANCE AGREEMENT TO 212 DURHAM URBAN RENEWAL, LLC ON THE  
PROPERTY COMMONLY KNOWN AS GULTON STREET**

**WHEREAS**, the Borough has certain rights and interests of certain tracts or parcels of land situated in Metuchen, Middlesex County, New Jersey, consisting of approximately 0.325 acres of land known as Gulton Street (formerly known as Edison Street) as more fully described and outlined on Exhibit A attached hereto and incorporated herein (“Easement Area”); and

**WHEREAS**, 212 Durham Urban Renewal, LLC (“Redeveloper”) is the owner and intends to develop and improve certain real property located at 212 Durham Avenue, Metuchen, adjacent to Gulton Street (the “Project”); and

**WHEREAS**, the Borough of Metuchen and the Redeveloper entered into a Redevelopment Agreement pursuant to *N.J.S.A. 40A:12A-1, et seq.* and Section 4.1 (b) of the Redevelopment Agreement provides that the Borough would allow the Redeveloper to utilize the Gulton Street right-of way as contemplated by the Concept Plan for the Project; and

**WHEREAS**, the Borough has determined it to be in the best interest of the Borough to agree to grant the Redeveloper and easement in exchange for the Redeveloper’s compliance with the terms and conditions of the Redevelopment Plan, Redevelopment Agreement and the terms and conditions of an Easement and Maintenance Agreement, including but not limited to the requirement to maintain, repair, and provide liability and casualty insurance for the Easement Area.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Metuchen, County of Middlesex, New Jersey, that it hereby authorizes and grants an easement to 212 Durham Urban Renewal, LLC to the property commonly known as Gulton Street as more fully described in Exhibit A under the express terms and conditions of the Easement and Maintenance Agreement negotiated by the Borough and Redeveloper; and

**BE IT FURTHER ORDAINED** by the Borough of Metuchen that the Mayor, Borough Clerk and all other Borough Officials and Employees are authorized to execute any and all documentation necessary to effectuate the easement granted herein, including but not limited to the execution of an Easement and Maintenance Agreement, and to take all necessary action to comply with and enforce the terms and conditions of the fully executed Easement and Maintenance Agreement between the Borough and Redeveloper; and

**BE IT FURTHER ORDAINED** that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining

portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

Introduction: June 26, 2023  
 Date of Publication: June 30, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HIRSCH	X			
DELIA	X				HYMAN	X			
GIAMBOI	X				KANDEL				X
<b>MOTION</b>	<b>DELIA</b>			<b>SECOND</b>		<b>GIAMBOI</b>			
X – INDICATES VOTE AB- ABSENT NV- NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 26, 2023.

  
 Deborah Zupan  
 Borough Clerk



Adopted: *July 10, 2023*  
 Date of Publication: *July 14, 2023*

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH				X	HIRSCH	X			
DELIA	X				HYMAN	X			
GIAMBOI	X				KANDEL	X			
<b>MOTION</b>	<b>DELIA</b>			<b>SECOND</b>		<b>GIAMBOI</b>			
X – INDICATES VOTE AB- ABSENT NV- NOT VOTING									

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on July 10, 2023.

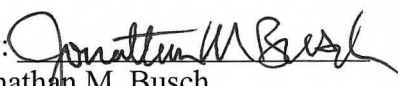
  
 Deborah Zupan  
 Borough Clerk



ATTEST:

  
 Deborah Zupan  
 Borough Clerk

BOROUGH OF METUCHEN

By:   
 Jonathan M. Busch  
 Mayor