



BOROUGH OF CALDWELL

Resolution No: 4-105

Date of Adoption: April 1, 2021

TITLE:

RESOLUTION TO ACQUIRE AND RETRANSFER PROPERTY

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

Whereas, certain real property owned by the United States, located in the County of Essex, State of New Jersey, has been declared surplus is subject to assignment for disposal for public health purposes by the Secretary of Health and Human Services under the provisions of Section 203 (K) (1) of the Federal Property And Administrative Services Act of 1949, as amended; and the rules and regulations promulgated pursuant thereto, more particularly described as 14 Park Ave., Caldwell, NJ (block 23, lot 9.01 on the official tax maps of the Borough of Caldwell, New Jersey (the "Borough")):

Whereas, the Borough needs and can utilize said property for public health purposes in accordance with the requirements of said acts and the rules and regulations promulgated pursuant thereto, of which this governing body is fully informed, including commitments regarding use and time within such is shall commence,

Now Therefore Be It Resolved By The Mayor And Council Of The Borough Of Caldwell New Jersey That:

1. The Borough has legal authority, is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that Thomas A. Banker, Borough Administrator, is hereby authorized, for and on behalf of the Borough to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and finally got plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase thereof, including fees or costs incurred in connection with the transfer of said properties for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the property, and
2. If the Borough is unable to place the property into use within the time limitation indicated below (or determines that a deferral of use should occur), it is understood that the Borough will, if directed to by the Department of Health and Human Services or its successor in interest, pay to the department of health and human services or its successor in interest for each month of nonuse beginning 12 months after the date of the deed, or 36 months where construction or major renovation is contemplated, the sum of 1/360 of the then market value for each month of nonuse or retransfer the property as directed by the Department of Health and Human Services or its successor in interest, and
3. It is further resolved and agreed that the Department of Health and Human Services or its successor in interest is hereby authorized to retransfer of the property in the event the Borough ceases operations or abandons the property, and
4. If the Department of Health and Human Services approves the application, the governing body will file a copy of the application and the standard deeds/lease with their permanent minutes with the Department of Health and Human Services.

The foregoing resolution is a legal action of:

The Mayor and Council of the Borough of Caldwell, New Jersey
1 Provost Square, Caldwell, NJ 07006

I, Brittany Heun, hereby certify that I am the Deputy Clerk of the Borough of Caldwell, New Jersey and that the foregoing resolution is a true and correct copy of the resolution adopted by a majority of the members of the Mayor and Council present at a meeting of that body on April 1, 2021 at which a quorum was present.

Signature of Brittany Heun, Deputy Clerk

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.