

ORDINANCE 2026-14

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 58, LOT 1 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOUTH RIVER, FROM SOUTH RIVER LITTLE LEAGUE, FOR NOMINAL CONSIDERATION.

WHEREAS, South River Little League, a New Jersey nonprofit corporation, is the owner of certain real property located in the Borough of South River, County of Middlesex, State of New Jersey, commonly known as 63 Burton Avenue, South River, New Jersey, and designated on the official Tax Map of the Borough of South River as Block 58, Lot 1 (the "Property"); and

WHEREAS, the Property was conveyed by the Borough of South River to South River Little League by deed dated June 24, 1965, for consideration of One Dollar (\$1.00) and other good and valuable consideration, and said deed further provided that the Property was to be used by the grantee for recreational and athletic purposes only, with reverter language in favor of the Borough in the event of diversion to another use without the Borough's permission; and

WHEREAS, the Mayor and Borough Council have determined that it is in the best interests of the Borough and its residents for the Borough to acquire title to the Property from South River Little League for nominal consideration of One Dollar (\$1.00) so that the Property may continue to be owned, preserved, maintained, and used for public recreational, park, athletic, and related municipal purposes; and

WHEREAS, the Borough is authorized to acquire real property for public purposes, including by gift or other lawful conveyance, upon authorization by ordinance; and

WHEREAS, the Mayor and Borough Council desire to authorize the acquisition of the Property and further authorize the appropriate Borough officials to execute all documents necessary to effectuate the acquisition and acceptance of title;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South River, County of Middlesex, State of New Jersey, as follows:

Section 1. Authorization to Acquire Property.

The Borough of South River is hereby authorized to acquire from South River Little League all of its right, title, and interest in and to the real property known as Block 58, Lot 1 on the official Tax Map of the Borough of South River, also commonly known as 63 Burton Avenue, South River, New Jersey, for nominal consideration of One Dollar (\$1.00).

Section 2. Purpose of Acquisition.

The Property shall be acquired and accepted by the Borough for public park, recreational, athletic, baseball field, open space, and other related municipal purposes, consistent with applicable law and the historic use and deed history of the Property.

Section 3. Authorization to Execute Documents.

The Mayor, Borough Clerk, Borough Administrator, Borough Attorney, and such other Borough officials and professionals as may be necessary are hereby authorized and directed to take all actions necessary or appropriate to effectuate the acquisition of the Property, including, without limitation, the authority to:

- a. accept and execute the deed and any deed acceptance documents;
- b. review, negotiate, approve, and execute affidavits, certifications, closing statements, transfer declarations, and any and all other closing documents;

- c. obtain and review title, tax, utility, survey, and other due diligence materials;
- d. take such actions as may be necessary to record the deed and related instruments; and
- e. execute such other documents and perform such other acts as may be necessary or convenient to legally effectuate the transfer of title to the Borough.

Section 4. Borough Attorney Approval.

All conveyance documents, including the form of deed and any ancillary affidavits, certifications, and closing documents, shall be subject to review and approval by the Borough Attorney, whose approval shall be conclusively evidenced by the Borough Attorney's preparation of, review of, and/or consent to such documents.

Section 5. Conditions of Closing.

The authorization granted herein shall be subject to and conditioned upon:

- a. receipt of evidence satisfactory to the Borough Attorney that South River Little League has duly authorized the conveyance;
- b. confirmation of marketable title or such title as the Borough may accept in its discretion;
- c. satisfaction, adjustment, or other disposition of any outstanding utility or municipal charges as may be identified prior to closing; and
- d. compliance with all recording and closing requirements required by law or by the Middlesex County Clerk for transfer of title.

The tax search provided for the property lists no liens, but does show an open electric balance, which should be addressed before or at closing.

Section 6. Acceptance of Conveyance.

Upon satisfaction of the conditions set forth herein and execution of the necessary transfer documents, the Borough is hereby authorized to accept conveyance of the Property and to cause the deed and related instruments to be recorded.

Section 7. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 9. Effective Date.

This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on May 11th, 2026, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 8th day of June, 2026, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 5-11-26

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman DaSilva</i>			X			
<i>Councilman Donato</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Giannakopoulos</i>						X
<i>Councilman Gurchensky</i>		X	X			
<i>Council President DeSantis</i>	X		X			

Alyssa Hager, RMC
Municipal Clerk
Borough of South River