

ORDINANCE NO. 2023 –23

AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 212, Lot 6.03 to JOHN J. HERGUTH JR. IN ACCORDANCE WITH THE PROVISIONS N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2

WHEREAS, the Borough of South River is the owner of Block 212, Lot 6.03 which is undersized lot under the current ordinances of the municipality; and

WHEREAS, the Borough of South River desires to sell said property; and

WHEREAS, the Borough of South River has determined that the fair market value of Block 212, Lot 6.03, is \$3,300.00; and

WHEREAS, N.J.S.A. 40A:12-13.2 requires the municipality to first offer said property to the adjoining property owners for purchase; and

WHEREAS, the contract purchaser of the adjoining property, John J. Herguth Jr., has agreed to purchase Block 212, Lot 6.03, from the Borough of South River for the sum of \$3,300.00; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides for the authorization of said transfer of property by ordinance.

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

SECTION 1. That in accordance with the requirements of N.J.S.A. 40A:12-13(b)(5), the governing body does hereby authorize the sale of Block 212, Lot 6.03, to the contract purchaser of the adjoining property, John J. Herguth Jr., said property being undersized, and the adjoining property owner agrees to purchase said property for the fair market value of said property.

SECTION 2. That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents to transfer title to said property by Quitclaim Deed to John J. Herguth Jr., for the sum of \$3,300.00. John J. Herguth Jr. shall be responsible for the payment of the municipality's costs in conveying said property. A requirement of the transfer of the property is that it be consolidated with the adjoining property owned by the purchasers.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

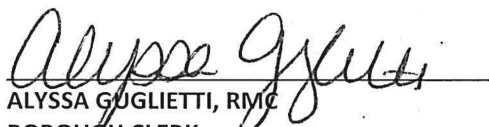
NOTICE

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 July 10, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 31st day of July 2023, 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 7-10-23

| COUNCIL | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|---------------------------------|--------|-----|------|------|---------|--------|
| <i>Councilwoman Balazs</i> | | X | X | | | |
| <i>Councilman Guindi</i> | | | X | | | |
| <i>Councilman Gurchensky</i> | | | X | | | |
| <i>Councilwoman Meira</i> | | | X | | | |
| <i>Councilman Oliveira</i> | | | X | | | |
| <i>Council President Ciulla</i> | X | | X | | | |


 ALYSSA GUGLIETTI, RMC
 BOROUGH CLERK

Adopted 7-31-23


| COUNCIL | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|---------------------------------|--------|-----|------|------|---------|--------|
| <i>Councilwoman Balazs</i> | X | | X | | | |
| <i>Councilman Guindi</i> | | X | X | | | |
| <i>Councilman Gurchensky</i> | | | X | | | |
| <i>Councilwoman Meira</i> | | | X | | | |
| <i>Councilman Oliveira</i> | | | | | | X |
| <i>Council President Ciulla</i> | | | X | | | |


 ALYSSA GUGLIETTI, RMC
 BOROUGH CLERK

SIGNED BY:


 JOHN M. KRENZEL

ATTESTED BY:


 ALYSSA GUGLIETTI, RMC