

ORDINANCE 1142-24

AN ORDINANCE AUTHORIZING THE ACQUISITION BY DONATION OF REAL PROPERTY COMMONLY KNOWN AS 563 PIERMONT ROAD, AND DESIGNATED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF DEMAREST AS BLOCK 67, LOTS 5.01 AND 6 FOR PUBLIC USE

STATEMENT OF PURPOSE: This ordinance is being proposed to authorize the acquisition of real property in the Borough of Demarest (the “Borough”) for public use.

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Borough has the power to acquire, by ordinance, any real property, capital improvement or personal property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, pursuant to N.J.S.A. 40:61-1 et seq., the Borough may acquire lands for public purposes; and

WHEREAS, the Demarest Baptist Church has offered to donate real property with all improvements located at 563 Piermont Road, designated as Block 67, Lots 5.01 and 6 on the official tax map of the Borough (the “Property”) to the Borough and in furtherance of same, the parties previously entered into a Memorandum of Understanding whereby the Borough agreed to accept the donation subject to a Quiet Title Action confirming that the covenants restricting the use of the Property have been extinguished; and

WHEREAS, a Quiet Title Action has been filed and by Order entered June 25, 2024 a Consent Order was entered to Quiet Title by the Honorable Darren T. DiBiasi, J.S.C. ordering and adjudging that the restrictive covenant and reverter clause set forth in a Deed dated October 10, 1974 from Ralph S. Demarest and Jane Demarest to William M. Whitmore and John Neslage was extinguished by Quitclaim Deed dated January 10, 1962 and ordering and adjudging that the restrictive covenant and reverter clause is deemed null and void and of no further effect; and

WHEREAS, the Property offers attractive public use for the Borough, including a possible senior center for Borough of Demarest residents; and

WHEREAS, the Borough has determined that the aforementioned real property is needed for public use and has identified a public use; and

WHEREAS, the Grantor, the Demarest Baptist Church, has agreed to donate the Property to the Borough at no cost to the Borough except that the Borough shall be responsible to pay the Grantor's reasonable legal expenses and costs incurred in connection with the transfer of title; and

WHEREAS, it is in the best interest of the Borough to acquire the Property for a public use and to pay the Grantor Demarest Baptist Church's reasonable legal fees and costs incurred in connection with the transfer of title.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Demarest, Bergen County, New Jersey that the Borough is hereby authorized to accept the donation of the Property and to acquire the Property as referenced above from the Grantor Demarest Baptist Church and to pay the reasonable legal fees and closing costs of the Demarest Baptist Church incurred in connection with the transfer of title to the Borough; and

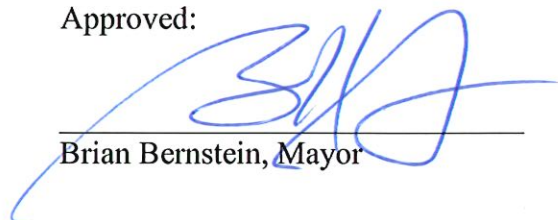
BE IT FURTHER ORDAINED, that the Mayor and Acting Clerk of the Borough of Demarest are hereby authorized to execute all necessary documents to acquire said Property.

Attest:



Julie Falkenstern
Acting Borough Clerk

Approved:



Brian Bernstein, Mayor

Introduction:

7/8/24

Adoption:

7/22/24