

**RESOLUTION  
Of the  
Borough of Longport**

**Resolution 2024-09**

**A Resolution Accepting the Properties Willed to the  
Borough of Longport by Dorothy S. McGee**

**WHEREAS**, Dorothy S. McGee by her last will and testament bequeathed to the Borough of Longport certain properties designated as Block 17 Lots 11.01 and 11.02,

**WHEREAS**, Dorothy S. McGee in her will, conditioned the bequeathment of the properties to the Borough of Longport upon certain conditions and use of the property,

**WHEREAS**, The Board of Commissions of the Borough of Longport wish to accept the properties with the conditions as outlined by Dorothy S. McGee in her will.

**NOW, THEREFORE BE IT RESOLVED** The Board of Commissions of the Borough of Longport hereby agrees to accept the properties designated as Block 17 Lots 11.01 and 11.02 with the following conditions which shall be recorded in the Deed (attached) for the properties filed with the County of Atlantic:

- a) A gazebo shall be constructed in similar size and design to the gazebo which currently stands near 35<sup>th</sup> Avenue and Atlantic Avenue in Longport;
- b) A tastefully designed plaque shall be erected, saying "Park Donated by Dorothy Sanders McGee";
- c) A fence shall be constructed along its perimeter, no higher than three (3) feet, tasteful and attractive in design so as not to appear like it is guarding an unwelcome area;
- d) An abundance of flowers, bushes and trees, as well as benches, shall be provided for people to rest and enjoy the park;
- e) The principal purpose of the park should be an area where people can rest and enjoy a bit of green, and fresh air. As such, the park shall be almost entirely green space with no hardscaping for the purpose of parking or sport courts.
- f) Parking of vehicles, except for maintenance, shall not be permitted in the boundaries of the park;
- g) The estate shall not be responsible for any of the costs and expenses for the construction and establishment, nor any expenses for the maintenance and repair of the park and any improvements

therein. There shall be no plaques erected, attributing improvements or maintenance to individuals or groups as benefactors.

An addendum to the deed titled Memorandum of Understanding (attached) between the Borough of Longport and the Estate will also be executed by the parties and filed with the County. The Board of Commissions of the Borough of Longport hereby agrees to the Memorandum of Understanding and requests the Mayor to execute the same.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	AB	MOT.	SEC.
RUSSO	X				X	
LEEDS	X					
LAWLER	X					X
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF  
ADOPTION:

2-21-2024

\_\_\_\_\_  
/s/ Monica A. Kyle, RMC, Municipal Clerk

**Deed of Dedication  
for  
Public Park**

This Deed is made as of and to be delivered on **February** , 2024

**BETWEEN:**                      **ESTATE OF DOROTHY S. McGEE,  
by David B. Frisch, Executor**

whose address is:                      2106 New Road, Suite A-1  
Linwood, New Jersey 08221

referred to as the GRANTOR,

**AND                      BOROUGH OF LONGPORT, a municipal corporation of the State of New Jersey**

whose address is:                      2305 Atlantic Avenue, Longport, New Jersey 08403

referred to as the GRANTEE.

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

**1. Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **ONE (\$1.00) DOLLAR.** The Grantor acknowledges receipt of this money.

**2. Tax Map Reference.** (N. J. S. A. 46:15-1.1) Municipality of **Longport Borough**  
Block No. **17**            Lot Nos. **11.01 & 11.02**    Qualifier No.                      Account No.

No Lot and block or account number is available on the date of this Deed. (Check Box if Applicable.)

**3. Property.** The property consists of the land and all the buildings and structures on the land in the Borough of Longport, County of Atlantic and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof. (Check Box if Applicable.)

**UNDER AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.**

**BEING** a part of the same lands and premises granted and conveyed to Albert F. McGee, Jr. and Dorothy S. McGee, as Tenants in Common, from Albert F. McGee, Jr. and Dorothy S. McGee, h/w, by Deed dated January 3, 2005, and recorded in the Atlantic County Clerk's Office on January 4, 2005, in Book 11912, as Instrument No. 2005000845. The said Albert F. McGee, Jr. departed this life, intestate, on March 23, 2015, whereupon by Order of the Superior Court of New Jersey, Chancery Division, Probate Part, Atlantic County, dated June 5, 2015, Dorothy S. McGee was appointed as Administratrix of his estate, and sole beneficiary;

Prepared by:

s/ David B. Frisch  
DAVID B. FRISCH, ESQ.

**BEING** the same lands and premises which were the subject of “Minor Subdivision, Block 17, Lot 11, by Schwab Land Surveying and Planning, LLC, dated December 2, 2009, signed August 20, 2018, File No. 09-185”, reapproved by the Borough of Longport Planning Board, Resolution No. 5-2018, filed in the Office of the Atlantic County Clerk, on October 22, 2018, as Instrument No. 2018053851;

**BEING** the same lands and premises granted and conveyed to Dorothy S. McGee, from the Estate of Albert F. McGee, Jr., as to its Fifty (50%) Percent interest, as a tenant in common, by Dorothy S. McGee, Administratrix, by Deed dated December 18, 2018 and recorded in the Atlantic County Clerk’s Office on December 19, 2018 in Book 14535, as Instrument No. 2018063809. (refers to Lot 11.01); and

**BEING** the same lands and premises granted and conveyed to Dorothy S. McGee, from the Estate of Albert F. McGee, Jr., as to its Fifty (50%) Percent interest, as a tenant in common, by Dorothy S. McGee, Administratrix, by Deed dated December 18, 2018 and recorded in the Atlantic County Clerk’s Office on December 19, 2018 in Book 14535, as Instrument No. 2018063810. (refers to Lot 11.02).

**THE SAID DOROTHY S. McGEE** departed this life on November 18, 2023, leaving a Last Will and Testament, dated June 19, 2020, which was duly admitted to probate in the Atlantic County Surrogate’s Court, and Letters Testamentary were issued on December 4, 2023 to David B. Frisch, as Executor, under Docket No. 133804. This conveyance is made by the Estate of Dorothy S. McGee to the Borough of Longport, so long as it is maintained for perpetual use as a public park; and it is hereby conveyed accordingly, with the condition that the property shall revert to the Estate’s residuary beneficiaries or their heirs, if it ever ceases to be utilized and maintained in a clean and attractive manner, in compliance with the following conditions:

- a) A gazebo shall be constructed in similar size and design to the gazebo which currently stands near 35<sup>th</sup> Avenue and Atlantic Avenue in Longport;
- b) A tastefully designed plaque shall be erected, saying “Park Donated by Dorothy Sanders McGee”;
- c) A fence shall be constructed along its perimeter, no higher than three (3) feet, tasteful and attractive in design so as not to appear like it is guarding an unwelcome area;
- d) An abundance of flowers, bushes and trees, as well as benches, shall be provided for people to rest and enjoy the park;
- e) The principal purpose of the park should be an area where people can rest and enjoy a bit of green, and fresh air. As such, the park shall be almost entirely green space with no hardscaping for the purpose of parking or sports courts;
- f) Parking of vehicles, except for maintenance, shall not be permitted within the boundaries of the park; and
- g) The estate shall not be responsible for any of the costs and expenses for the construction and establishment, nor any expenses for the maintenance and repair of the park and any improvements therein. There shall be no plaques erected, attributing improvements or maintenance to individuals or groups as benefactors.

The street address of the Property is: **106 - 108 22<sup>nd</sup> Avenue  
Longport, New Jersey 08403**

**4. Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a “covenant as to grantor’s acts” (N. J. S. A. 46:4-6).

**5. Signatures.** This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. (Print name below each signature.)

Witnessed or Attested by:

**ESTATE OF DOROTHY S. McGEE**

\_\_\_\_\_

By:

\_\_\_\_\_ **David B. Frisch, Executor**

STATE OF NEW JERSEY  
COUNTY OF ATLANTIC

SS:

I CERTIFY that on February \_\_\_\_\_, 2024

**David B. Frisch**

personally came before me and acknowledged under oath, to my satisfaction, that this person:

- (a) was the maker of the attached Deed of Dedication;
- (b) was authorized to and did execute this Deed of Dedication as Executor of the Estate of Dorothy S. McGee, the entity named above;
- (c) made this Deed of Dedication for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N. J. S. A. 46:15-5); and
- (d) executed this Deed of Dedication as the act of the Estate of Dorothy S. McGee.

\_\_\_\_\_  
Notary Public

Memorandum of Understanding (MOU)

Between Borough of Longport and the Estate of Dorothy S. McGee

1. This MOU shall act as a supplement to the deed restrictions applied to the properties donated by the estate of Dorothy S. McGee located at 106-108 South 22 Avenue Block 17 lots 11.01 and 11.02.
2. Pursuant to the will of Dorothy S. McGee the properties were donated to the Borough with certain requirements for its use and obligations of the Borough as set forth in the deed restrictions to be recorded with the County of Atlantic. The deed sets forth that in the event the Borough violates its obligations, the properties will revert to the estate or heirs of the estate.
3. Pursuant to the deed restrictions, the estate has no responsibility for the construction or maintenance of the park. The Borough shall, with or without the assistance of donations from the public, construct the park with the minimum requirements as set forth in the deed restriction. The Borough shall have a reasonable time to complete the construction subject to available financing and the requirements of public bidding laws. The Borough shall move forward with the start of construction within 24 months of the filing of the deed restriction unless unforeseen circumstances prohibit the same.
4. In the event of the destruction of the park after or during its construction by a natural or manmade disaster; the Borough shall have a reasonable time to repair or rebuild the park. This reasonable time is governed by available financing and requirements of public bidding laws. Such reconstruction shall commence within 24 months after the park is deemed unusable by the Borough unless unforeseen circumstances prohibit the same.
5. The Borough may accept donations from the public for the construction and/or maintenance of the park and may grant such donors the opportunity to provide input as to the design of the park. In recognition of the gift by Dorothy S. McGee, the Borough will also provide a preliminary design of the park to the estate for input as to the final design and construction of the park. The Borough is not bound by any input given by the estate or public regarding the design and construction of the park except to the extent required by the deed restrictions.
6. The Borough recognizes the estate has expressed certain wishes regarding use of the park that are not set forth in the deed restrictions. The Governing Body will consider the use restrictions requested by the estate and, if they believe the same are appropriate for the Borough, may enact Ordinances or Resolutions accordingly.
7. In the event the estate or Borough wish to contest any provisions of this agreement or the deed restrictions, both parties agree to the jurisdiction of this matter in the Superior Court of New Jersey, Atlantic County.

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Representative of The Estate of Dorothy McGee

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Mayor, Borough of Longport

Date:

Date: