

**RO-16-08**

**ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP OF WASHINGTON**

**WHEREAS**, the Township of Washington is the owner of Block 54 Lot 56 located within the Township of Washington which property is an undersized lot without any improvements located thereon; and

**WHEREAS**, the Township Committee of the Township of Washington does hereby determine that Block 54 Lot 56 is no longer needed for public use; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) provides for the conveyance of land which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon and which is not needed for municipal purposes by a municipality to the highest bidder among contiguous property owners; and

**WHEREAS**, there are three contiguous property owners to Block 54 Lot 56; and

**WHEREAS**, the Township desires to make available for private sale to the highest bidder among the contiguous property owners said land in accordance with N.J.S.A. 40A:12-13(b)(5).

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** The Township Committee hereby declares that the land and premises known as Block 54 Lot 56 is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.

**SECTION 2.** The Township of Washington hereby authorizes the Township Clerk to offer for sale to the highest bidder among contiguous property owners by open private sale the property known as Block 54 Lot 56 on the Township of Washington Tax Map consisting of approximately 0.38 acres and also known as 10 Mallard Cove Road.

**SECTION 3.** The open private sale shall take place at the Township of Washington Municipal Building, located at 43 Schooley's Mountain Road, Long Valley, New Jersey 07853 on October 15, 2008 at 6:30 p.m. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

**SECTION 4.** The sale, if not canceled, shall take place by open private sale to the highest bidder among the owners of property contiguous to Block 54 Lot 56. The minimum bid shall be \$5,000.

**SECTION 5.** Any person bidding on behalf of a corporation must either submit a copy of a resolution of the corporation or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.

**SECTION 6.** All bidders at the time of sale must present a certified check or money order, payable to themselves (to be endorsed to the Township of Washington if successful), in the amount of \$500. The successful bidder shall submit a personal check or money order for the balance of the deposit of 10% of the bid amount at the conclusion of the bidding and shall execute an Agreement of Sale. The balance of the purchase price shall be paid at closing which shall occur not later than 45 days following the acceptance of the bid by the Township. The purchaser shall be entitled to possession immediately following closing of title.

**SECTION 7.** The Township reserves the right to accept or reject any and all bids at the open private sale and to not award to the highest bidder.

**SECTION 8.** In the event the Township of Washington is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of Washington in connection with the quality of title conveyed.

**SECTION 9.** The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

**SECTION 10.** The Township represents that the property which is the subject matter of this ordinance is a non-conforming lot by virtue of the zoning ordinance requirements of the Township of Washington. If sold to a contiguous property owner, this property will merge with and become a part of the lot owned by the successful bidder that is contiguous to this property. Prospective bidders are advised that such a merger may affect the status of their contiguous lot under the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.

The sale of this property by the Township shall in no way be construed as an indication that a construction permit can be secured for the property.

**SECTION 11.** All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance.

**SECTION 12.** The Township Committee reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth in Paragraph 13 hereof.

**SECTION 13.** The acceptable bid shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale.

**SECTION 14.** In the event that the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

**SECTION 15.** All Ordinances of the Township of Washington which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 16.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 17.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WASHINGTON

\_\_\_\_\_  
Dianne S. Gallets, Clerk

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Tracy Tobin, Mayor

CERTIFICATION

I, Dianne S. Gallets, Clerk of the Township of Washington, do hereby certify the foregoing to be a true copy of Ordinance #RO-16-08, introduced by the Township at a meeting held on August 18, 2008.

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Dianne S. Gallets, Clerk

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Date