

R-92-14

**RESOLUTION 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 certain lands within the Township of Washington; and

WHEREAS, the Township Committee of the Township of Washington does hereby determine that the land and property set forth in Schedule A is no longer needed for public use; and

WHEREAS, the Township desires to make available for public sale said land in accordance with N.J.S.A. 40A:12-13(a) with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Township Committee hereby declares that the land and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.

2. The Township of Washington hereby authorizes and directs the Township Administrator or such other person as he shall appoint, to offer for sale to the highest bidder by open public sale at auction, the property described in Schedule A attached hereto and made a part hereof, subsequent to the receipt of refusals to purchase said lands which are of non-conforming size by their contiguous property owners who have such a right pursuant to N.J.S.A. 40A:12-13.2.

3. The public sale shall take place at the Township of Washington Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey 07853 on June 11, 2014

at 7:00 p.m. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

4. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder.

5. The successful bidder at the time of sale must present a certified check, money order or cash in the amount of ten (10%) percent of the bid. 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.

6. At closing of title, purchaser shall submit an additional sum of money equal to the costs of all advertising of the sale and, if requested, the recording of the Township's Deed.

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

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.

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. There exists a fifty (50) foot wide conservation easement centered on the various center line courses of a stream in the rear of the 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.”

10. The sale by the Township of lots that are undersized, located on unimproved roads, landlocked or otherwise non-conforming, shall in no way be construed as an indication that building permits can be secured for said lots.

11. In the event that contiguous property owners exercise their right to purchase in accordance with the appropriate statutes, the sale shall be made to the highest bidder among them. If only one contiguous property owner extends an offer to purchase said lot, the same shall be conveyed to him, provided the price offered is at least the minimum value of the property as set forth in Schedule A and the offer is acceptable to the Township of Washington.

12. 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.

13. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Township. If no such description is received, the conveyance by the Township shall be made by Quitclaim Deed and by utilization of tax lot and block designations.

14. 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 15 hereof.

15. Acceptable bids 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.

16. This Resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

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

19. This resolution shall take effect immediately.

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WASHINGTON

Nina DiGregorio, Township Clerk

Kenneth W. Short, Mayor

CERTIFICATION

I, Nina DiGregorio, Clerk of the Township of Washington, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Township at a meeting held on May 19, 2014.

Dated:

Nina DiGregorio, Township Clerk

SCHEDULE A

<u>Block</u>	<u>Lot</u>	<u>Zone</u>	<u>Location</u>	<u>Minimum Price</u>
20.10	49.02	R1/R2	Spring Lane	\$20,128.50