

ORDINANCE NO. 2009 - 13

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF WHATEVER INTEREST IS OWNED BY THE TOWNSHIP IN BLOCK 174.03, LOT 38.03, BARNEGAT TOWNSHIP, NEW JERSEY, TO THE ADJOINING PROPERTY OWNER K & T WARETOWN, INC.

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township"), has been contacted by K & T Waretown, Inc., owner of Block 174.03, Lots 38.01 and 38.03, Barnegat Township, New Jersey, with regard to the Township's title interest in Block 174.03, Lot 38.03 (the "property"); and

WHEREAS, after review of the title search it appears that the Township may have an equitable interest in a portion of the property which has been titled to K & T Waretown, Inc. who has been paying taxes to the Township of Barnegat for the property for a number of years; and

WHEREAS, the adjoining property owner, K & T Waretown, Inc., has offered to purchase from the Township any and all rights, title and interest it has in the property, if any, so as to resolve any title issues in the property in favor of the adjoining property owner, K & T Waretown, Inc.; and

WHEREAS, the Township is permitted pursuant to the provisions of N.J.S.A. 40A:12-13(b)(3) to convey to an adjoining property owner for nominal consideration, any and all rights, title and interest it may have in adjoining non-buildable property which has a title issue; and

WHEREAS, the Township Committee believes it appropriate and reasonable to convey, for nominal consideration, any and all rights, title and interest it has in the property to the adjoining property owner, K & T Waretown, Inc., who is in title for the property and has been paying appropriate taxes on the property for a number of years, in order to resolve any title issues:

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1. Pursuant to the provisions of N.J.S.A. 40A:12-13(b)(3) the Township hereby authorizes the conveyance of any and all rights, title and interest it has in vacant property known and designated as Block 174.03, Lot 38.03, Barnegat Township, New Jersey.

SECTION 2. The conveyance of the subject property by the Township shall be in favor of K & T Waretown, Inc., a New Jersey corporation, which is the adjoining property owner and is the titled owner to the property. Attached hereto and made a part hereof is a metes and bounds description of the subject conveyance from the Township to K & T Waretown, Inc. The consideration to be paid by K & T Waretown, Inc. to the Township is \$500.00 which will thereby reimburse the Township in full for any and all costs incurred in this conveyance.

SECTION 3. The Township hereby authorizes and directs the Mayor, Township Clerk, Township Administrator and Township Solicitor to execute any and all documents in order to implement the intent of this Ordinance.

SECTION 4. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at meeting held on the 16th day of March, 2009 at 6:30 p.m. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 6th day of April, 2009, at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Kathleen T. West, RMC
Municipal Clerk