

ORDINANCE NO. 2011-10

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 194, LOT 10 IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township of Barnegat is the owner of property known and designated on the Tax Map of the Township of Barnegat as Block 194, Lot 10 (hereinafter “property”); and

WHEREAS, said property is an undersized, non-conforming, vacant lot with no street frontage is located on a paper street; and

WHEREAS, N.J.S.A. 40A:12-13.2 requires a municipality to first offer said property to the adjoining property owner(s) for purchase; and

WHEREAS, the municipality has established the fair market value for said property at \$20,000.00; and

WHEREAS, it has been determined that there are only two (2) adjoining lots to the subject property one of which is owned by the Township and the other which is owned by TBI, Inc. which lots are known and designated as Lots 9 and 11 respectively, as shown on the Tax Map of the Township of Barnegat; and

WHEREAS, it is the desire of the governing body to sell said property; and

WHEREAS, the adjoining property owner, TBI, Inc. has agreed to purchase the property from the Township for the fair market value sum of \$20,000.00; and

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides for the authorization of said transfer of property by ordinance.

NOW THEREFORE, BE IT ORDAINED, this 6th day of June, 2011 by the Township Committee of the Township of Barnegat County of Ocean, State of New Jersey, as follows:

SECTION 1. In accordance with the requirements of N.J.S.A. 40A:12-13(b)(5), the governing body does hereby authorize the sale of Block 194, Lot 10 to TBI, Inc., said property being an undersized, non-conforming vacant lot, and said purchaser being an adjoining property owner which has agreed to purchase said property the fair market value sum of \$20,000.00.

SECTION 2. That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents to transfer title to said property for the sum as set forth herein, said purchaser shall be responsible for the payment of the municipality's cost in conveying said property (i.e. attorney's fees in the amount of \$1,000.00).

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **June 6th, 2011**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **July 5, 2011, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that 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

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS

Forked River, New Jersey 08731

CJC:cmg[Barnegat Ordinances 2011]

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The Township of Barnegat introduced the above ordinance at its **June 6th, 2011** meeting. The Ordinance authorizes the sale of Block 194, Lot 10 in accordance with N.J.S.A. 40A:12-13(b)(5). The ordinance will be considered on second and final reading at the **June 20, 2011** meeting of the Township Committee. All meetings are held at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, commencing at 6:30 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 900 West Bay Avenue, Barnegat, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.

Kathleen T. West. RMC
Municipal Clerk

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