

## **ORDINANCE 2017-09**

### **ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY OFFERING FOR SALE AT PUBLIC AUCTION REAL PROPERTY OWNED BY THE TOWNSHIP OF BARNEGAT KNOWN AND DESIGNATED AS BLOCK 210.01, LOT 11 AKA 50 BAYVIEW BOULEVARD, BARNEGAT TOWNSHIP, NEW JERSEY**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter referred to as the "Township") has received inquiries concerning the potential sale of Township property known and designated as Block 210.01, Lot 11, Barnegat Township, New Jersey (hereinafter referred to as the "property"); and

**WHEREAS**, the property owned by the Township is occupied by freshwater wetlands on the property or wetlands which fall within the 50 foot transition buffer and therefore the Township is not certain whether the property could ever be considered buildable from an environmental standpoint; and

**WHEREAS**, the Township wishes to sell its interest in the property at public auction with the proviso that the property will be subject to a Deed Restriction that building on the property can never occur; and

**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.** The Township authorizes the subject property to be auctioned for public sale, with the strict proviso that the property will be sold with the Deed Restriction that the property can never be buildable for any purpose and can never have a structure located thereon.

**SECTION 2.** The sale of the property at public auction will be undertaken in accordance with the provisions of N.J.S.A. 40A:12-13 et seq.

**SECTION 3.** The Township Clerk and Township Administrator are authorized and directed to prepare the appropriate public notice to be placed in the official newspapers of the Township thereby advising the public of the date and time that the auction will be held to award the sale of the property to a successful bidder.

**SECTION 4.** The bid auction notice will contain the following provisos:

1. The Township will reserve to itself any and all rights to reject all bids submitted;
2. The successful bidder will deposit, on the day of the auction, a ten (10%) percent deposit payable to the Township;
3. Closing of title will take place within thirty (30) days after the auction is finalized;
4. The Township will convey the property by Quit Claim Deed;
5. The proposed Deed and Affidavit of Title will be prepared by the Township Solicitor at the Township's expense.

**SECTION 4.** The Township authorizes and directs that all appropriate and necessary documents be executed by the Mayor, Township Clerk and Township Administrator, in order to implement the intent of this Ordinance.

**SECTION 5.** 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 6.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 7.** 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 on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **March 7, 2017 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **April 4, 2017, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township 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.

  
\_\_\_\_\_  
**Michele Rivers, RMC**  
**Township Clerk**


Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,**  
**KOUTSOURIS & CONNORS**  
Forked River, New Jersey 08731

Z:\CLIENT MATTERS - GL\Barnegat\SPECIAL GENERAL [RETAINER]\GL-25742 Block 210.01, Lot 11 sale\Ordinance re sale of B1  
210.01 Lot 11.docx

### CERTIFICATION

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance was introduced and passed on first reading at a meeting held on the 7th day of March 2017, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the 4<sup>TH</sup> day of April 2017 at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

  
Michele A. Rivers, RMC  
Municipal Clerk