

**ORDINANCE NO. 2020- 7**

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE PUBLIC SALE OF PROPERTY KNOWN AS BLOCK 250, LOT 23 (686 EAST BAY AVENUE) OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.**

**WHEREAS**, the Township of Barnegat, is the owner of real property and capital improvements known as Block 250, Lot 23 otherwise known as 686 East Bay Avenue in the Township of Barnegat (the “Property”); and

**WHEREAS**, the Property is an undersized lot located in the Village Commercial Zone; and

**WHEREAS**, the Property has improvements on it which is the previous Office of Emergency Management Headquarters; and

**WHEREAS**, the Township Committee of the Township of Barnegat previously determined that the Property is no longer needed for public use; and

**WHEREAS**, a sale of the Property will return the Property to the tax rolls of the Township of Barnegat; and

**WHEREAS**, the Township Committee previously advertised for the solicitation of bids to purchase the Property to Resolution 2020-154; and

**WHEREAS**, the minimum bid was \$50,000.00; and

**WHEREAS**, the Township received the highest responsive bid of H. Kenneth Matthews, <sup>1001</sup> ~~1001~~ Hawaii Drive, Forked River, New Jersey 08731 in the amount of \$56,551.00.

**WHEREAS**, N.J.S.A. 40A:12-13(a) authorizes the Township to sell municipally owned property with capital improvements at a public sale after the Township sets the minimum bid.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08753

**NOW THEREFORE BE IT ORDAINED** on this 5th day of May, 2020 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

**SECTION 1.** The Township is the owner of the land and improvements located in the Township of Barnegat known as Block 250, Lot 23 otherwise known as 686 East Bay Avenue, Barnegat Township, New Jersey (the "Property") and is located in the CVH Village Commercial Zone and is subject to all easements and restrictions of record and not of record.

**SECTION 2.** The Township Committee has determined it to be in the public interest to sell said Property at a public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13(a).

**SECTION 3.** The Township Committee declares the Property to be surplus and not needed for public use.

**SECTION 4.** The following conditions for the sale of the Property shall apply:

- (a) The minimum bid for the Property was \$50,000.00 as determined to be the value of the Property by the Tax Assessor.
- (b) Full payment of the purchase price shall be received within 30 days of the date of the acceptance of the bid. The successful bidder will be required to pay, either by cash or bank check, the deposit in the amount of ten percent (10%) of the minimum price of the bid at the close of bidding with the balance to be paid by either cash or bank check. The successful bidder shall pay all legal expenses including, but not limited to, Township legal fees, the pro rata cost of advertisement, recording fees, realty transfer fee and all other reasonable fees and costs incurred as part of the consideration on the date of closing.

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- (c) The Property is being sold in an “as is” condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at its own cost and expense. The Property is sold subject to any and all conditions, including but not limited to, title issues, environmental issues, existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, any future or present assessment for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder at its discretion, as part of its due diligence.
- (d) Should the Property be developed, it shall be done in accordance with all applicable Township ordinances as well as County and State laws, rules, and regulations. No representation, express or implied, is made that the successful bidder on an undersized lot will be able to secure a variance to develop, construct, or otherwise utilize any undersized lots hereby being sold.
- (e) The Deed must be recorded within 30 days of closing or title to the Property shall automatically revert back to the Township of Barnegat without the necessity of entry or re-entry.
- (f) With respect to the sale of the Property herein, no real estate commission is owed.
- (g) The Deed given by the Township for the property will be a Quit Claim Deed. No title contingencies or conditions are permitted.

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(h) The Township reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price or to reject all bids and not to award to the highest bidder. The Township reserves the right to waive any and all defects in formalities in any proposal, and to accept or reject the highest responsive bid deemed to be in the best interest of the Township.

(i) In the event the Township cannot convey marketable title to said premises its sole liability shall be to return without interest all monies paid by the purchaser to the Township. This obligation will not survive the closing of title. It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the properties they are interested in bidding upon prior to the date of bid submission so that the potential bidder may be adequately apprised of any encumbrances or restrictions of record effecting the use and germane of property. The Township of Barnegat shall not be responsible for the cost associates with such searches in the event the Township of Barnegat is unable to convey title and/or if a bid is rejected.

5. This Ordinance shall be advertised in the official newspaper of the Township by two insertions, at least once a week during two consecutive weeks, the last publication to be no later than seven (7) days prior to the sale.

6. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Martin J. Lisella, Administrator; and
- (b) Kristin Peel, Tax Assessor

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(c) H. Kenneth Matthews

(d) Christopher J. Dasti

(e) Thomas Lombarski

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 5th day of May, **2020**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 4th day of June, **2020**, at 10:00 ~~AM~~ ~~PM~~ at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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**MICHELE RIVERS, RMC**, Clerk  
Township of Barnegat

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