

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF BLOCK 107, LOT 10 (16 THIRD STREET), OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND THE STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Township of Barnegat, is the owner of real property known as Block 107, Lot 10 otherwise known as 16 Third Street in the Township of Barnegat (the "Property"); and

WHEREAS, the Property is a buildable 100 x 200 lot in the RM Zone; and

WHEREAS, the Township Committee of the Township of Barnegat has determined that the property as delineated on the tax map of the Township of Barnegat is not 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 create revenues for the Township; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of Barnegat to offer the property for sale, pursuant to N.J.S.A. 40A:12-1 et seq.;

NOW THEREFORE BE IT ORDAINED on this 8th day of June, 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

SECTION 1. The Township is the owner of the land located in the Township of Barnegat known as Block 107, Lot 10 otherwise known as 16 Third Street, Barnegat Township, New Jersey (the "Property") and is located in the RM Zone and 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 through sealed bid.

SECTION 3. N.J.S.A. 40A:12-13(b)(5) further provides that the sale shall not be for less than fair market value of said real property.

SECTION 4. The Township Committee declares the property to be surplus and not needed for public use.

SECTION 5. The following conditions for the sale of the property shall apply:

(a) The minimum bid for the property shall be \$80,000.00

(b) Full payment of the purchase price shall be received within 60 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.

- (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) The land to be sold is a buildable lot for development under the Township zoning ordinance.
- (e) 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.
- (f) Development must meet all conditions in accordance with Chapter 55.31, RM zone
- (g) 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.
- (h) With respect to the sale of the property herein, there will be no real estate commission involved with this transaction
- (i) The Deed given by the Township for the property will be a Quit Claim Deed. No title contingencies or conditions are permitted.
- (j) 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
- (k) 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 associated with such searches in the event the Township of Barnegat is unable to convey title and/or if a bid is rejected.

SECTION 6. It shall be the responsibility of the successful bidder to pay all closing costs and expenses incurred by both the Township of Barnegat and the successful bidder relating to the sale, transfer and exchange of the property.

SECTION 7. The Sale 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.

SECTION 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9. 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.

SECTION 10. 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 by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **8th day of June, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **6 day of July 2023, at 6:30 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.

Donna M. Manno, RMC
Municipal Clerk