

ORDINANCE NO. 2026-15

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN AND STATE OF NEW JERSEY
AUTHORIZING SALE OF BLOCK 174, LOT 46.03 (96
GUNNING RIVER ROAD) BARNEGAT, NEW JERSEY
PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.**

WHEREAS, the Township of Barnegat, County of Ocean, and State of New Jersey (“the Township”), is the owner of property known as 96 Gunning River Road, Barnegat, New Jersey otherwise known as Block 174, Lot 46.03 on the tax map of the Township of Barnegat (“the Property”); and

WHEREAS, the Property is a conforming lot in the R-15 Residential Zone; and

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

WHEREAS, the sale of the Property will return to the tax rolls of the Township and create revenue for the Township; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to offer the Property for sale pursuant to N.J.S.A. 40A:12-13 et seq.; and

WHEREAS, N.J.S.A. 40A:12-13 authorizes a Township to sell municipally owned property that is a buildable lot at a public sale to the highest bidder.

NOW THEREFORE BE IT ORDAINED on this 4th day of June, 2026, 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 land located in the Township of Barnegat known as Block 174, Lot 46.03 otherwise known as 96 Gunning River Road, Barnegat, New

Jersey. The Property is located in the R-15 Residential Zoning District. The Property is a conforming buildable lot pursuant to the zoning regulations in the zone.

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 et seq.

SECTION 3. The Township Committee determines 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 shall be \$100,000.00.
- (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.
- (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 winning bidder shall be responsible for closing costs on behalf of the Township, and the preparation of conveyance documents. The Property will be conveyed by way of a Quit Claim Deed.

- (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. 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.
- (f) 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.
- (g) With respect to the sale of the property herein, no real estate commission is owed.
- (h) The Deed given by the Township for the property will be a Quit Claim Deed. No title contingencies or conditions are permitted.
- (i) 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.
- (j) 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 5. Notice of the Township's intention to sell the property and the minimum bid price therefore shall be sent by certified mail, return receipt requested to all property owners listed on the municipal tax records who own properties contiguous to the property. 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 6. The Sale shall be advertised in the official newspaper of the Township by two insertions, at least once a week for two consecutive weeks, the last publication to be no later than seven (7) days prior to the sale.

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. 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 9. 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 **4th day of June, 2026**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **7th day of July, 2026, 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

CERTIFICATION

I, Donna Manno, 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, namely **Ordinance 2026-15** Authorizing sale of Block 174, Lot 46.03 (96 Gunning River Road), Barnegat New Jersey Pursuant to N.J.S.A. 40A:12-13et seq., was introduced and passed on first reading at a meeting held on the **4th day of June 2026**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **7th day of July 2026 at 6:30 PM** at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk