

ORDINANCE NO. 2021-07

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE
OF REAL PROPERTY**

WHEREAS, the Township of Green is the owner of certain real property set forth in Schedule "A", which properties are not needed or required for municipal use; and

WHEREAS, the Township Committee deems it in the best interest of the Township of Green to sell the properties at public auction, in accordance with the provisions of N.J.S.A. 40A:12-13, et seq.; and

WHEREAS, the Township Committee on January 20, 2021 introduced Ordinance 2021-02 that included a flaw in the legal notice; and

WHEREAS, the sale shall be conducted as an auction to the highest bidder, after advertisement, with such auction to be held at the Township of Green Municipal Building, 150 Kennedy Road, Tranquility, New Jersey 07879 on April 5, 2021, at 7:00 pm or such adjourned date as may be determined by the Green Township Committee; and

NOW, THEREFORE, BE IT ORDAINED by the Green Township Committee as follows:

1. The introduction of Ordinance 2021-02 on January 20, 2021 is hereby rescinded.
2. The Township of Green shall offer for sale by auction, pursuant to the provisions of N.J.S.A. 40A:12-13(a), et seq., the properties listed on Schedule "A". Schedule "A" also contains the minimum sale price for both properties. If sold to a contiguous property owner, the sale is conditioned upon the property being sold merging with the contiguous property owner's existing property. The properties being sold are without any improvements and the sale is conditioned upon no further subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. A deed restriction is required, prohibiting any structures and/or improvements on the property. The Township Committee reserves the right, in its discretion to reject all bids for each property for any reason, including but not limited to, in the event that the minimum sale price for such property is not met.
3. Upon final passage of this Ordinance, the sale shall take place on April 5, 2021 at 7:00 pm at the Green Township Municipal Building, 150 Kennedy Road, Tranquility, New Jersey 07879, after offering same to the highest bidder, at said time and place.
4. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Green Township Municipal Building. Notice of adoption of this Ordinance shall be made in the official Township newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Township of Green newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.

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5. The property shall be sold subject to the following terms and conditions:

(a) The property is sold "as is". No representations of any kind are made by the Township as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The properties are being sold in the present "as is", "where is", with all faults.

(b) The sale shall be made after legal advertisement of this Ordinance to the highest bidder, which if sold to a contiguous property owner, such property shall merge with the property being sold, and become part of the contiguous property owned by the successful bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Green be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The highest bidder shall deposit with the Township cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Township of Green will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

(f) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$350.00 for the legal services incurred by the Township; (2) the Township of Green's advertising and the actual recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s); (3) all costs and expenses for the sale including, but not limited to, the appraisal costs incurred by the Township; and (4) realty transfer fees, if any. The balance shall be paid by certified funds. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Township Attorney and, after execution by the Township Officials, shall be recorded with the Sussex County Clerk's Office by the Township Attorney. Additional work performed by the Township Attorneys beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Township Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

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(g) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Green and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.

(h) The deeded conveyance shall contain a restriction that there shall be no subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. The successful bidder, if a contiguous property owner, shall provide a copy of their existing property Deed to the Municipal Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.

Potential Bidders are advised:

- (1) To conduct all necessary title searches prior to the date of sale.
- (2) No representations of any kind are made by the Township of Green as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".
- (3) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.
- (4) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Township of Green, the Township of Green shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Township of Green not less than one week prior to the date set for closing of title.

Additional Terms the Successful Bidder must comply with:

- (1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- (2) That the failure to close title as agreed shall forfeit to the Township of Green any and all money deposited with the Township.
- (i) The property will be sold subject to the current year taxes, prorated from the date of sale.

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(j) The Township Committee reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(k) All bidders currently owing property within the Township must have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.

(l) This same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Township of Green.

(m) No employee, agent or officer of the Township of Green has any authority to waive, modify or amend any of the conditions of sale.

(n) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.

(o) The failure of the purchaser to close on title within sixty (60) days of the Township award of the bid shall constitute a breach of this Ordinance unless the Township agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within 60 days or such date as may be extended by the Township, the deposit paid by the purchaser shall be retained by the Township as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit.

(p) The purchase shall not be used for any County, Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.

(q) The sale shall be subject to final approval by the Township Committee.

6. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

7. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

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8. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on March 1, 2021, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on March 15, 2021.

ATTEST

TOWNSHIP OF GREEN



Mark Zschack, RMC, Township Clerk



Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout		√	√			
Mrs. Raffay				√		
Mrs. Phillips			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						√
Mr. Conkling	√		√			
Mr. Qarmout			√			
Mrs. Raffay		√	√			
Mrs. Phillips			√			

INTRODUCED: March 1, 2021
PUBLIC HEARING: March 15, 2021

ADVERTISED: March 4, 2021
ADVERTISED: March 17, 2021

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SCHEDULE A

	<u>Tax Block</u>	<u>Lot</u>	<u>Location</u>	<u>Lot Size (acres)</u>	<u>Minimum Sale Price</u>
1.	56	17	72 Forest Road	2.750	
	56	15	76 Forest Road	0.229	<u>\$20,000.00</u>