

**TOWNSHIP OF GREEN**

**ORDINANCE 2013-08**

**AN ORDINANCE TO AUTHORIZE THE SALE OF  
BLOCK NO. 59, LOT NO. 10  
AND BLOCK 59, LOT 27,  
GREEN, NEW JERSEY**

WHEREAS, the Township of Green is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

WHEREAS, said lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements thereon; and

WHEREAS, the Township Committee of the Township of Green have deemed it in the best interest of the Township of Green to sell said lots to owners of contiguous properties in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

WHEREAS, certain of said contiguous owners have offered to purchase lots adjacent to their real property as set forth in Schedule A for the sums set forth thereon; and

WHEREAS, the Municipal Assessor of the Township of Green has advised that said sums, taking into consideration all factors relative thereto, are fair and just;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Green that:

1. The Township of Green shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the lots to the contiguous property owners for the amounts as set forth in Schedule A attached hereto, subject to the right of other contiguous property owners to bid an amount in excess of the amount offered as set forth in Schedule A. Pursuant to the provisions of said statutes, these conveyances shall be to an owner of adjoining property as the properties to be sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement thereon. The minimum sale price for said properties are as set forth in Schedule A, which sums are not less than the fair market value of said real properties.
2. Upon final passage of this Ordinance on July 8, 2013 at the Municipal Building, P.O. Box 65, 150 Kennedy Road, Tranquility, New Jersey, the Township of Green shall set forth in Schedule A, subject to receiving no higher bids for said

parcels, after offering same at public auction to the highest bidder at said time and place.

3. The said properties shall be sold subject to the following terms and conditions:
  - (a) The said properties shall be sold for not less than the amount set forth in Schedule A.
  - (b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be made to the persons set forth in Schedule A or the highest bidder who is the owner of contiguous property, which property shall become consolidated with the property being sold herein, 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 the same, shall not be required to refund money or correct any defect in title or be held liable for damages..
  - (d) Acceptance of the offers made as set forth in Schedule A or 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 purchaser will be required to pay no later than July 8, 2013, ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser, without interest, if the title to said property is legally determined to be unmarketable, providing claims made therefor within sixty (60) days after the sale.
  - (f) A Bargain and Sale Deed without covenants will be delivered at the office of the Township Clerk on or before one hundred eighty (180) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deeds.
  - (g) The Deed of Conveyance 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 and water easements on the premises, if any, and the continued right of maintenance and flow thereof.
  - (h) The purchaser shall also pay to the Township of Green the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public


sale and all other instruments necessary or required by law at the time of the sale.


- (i) The property will be sold subject to 2013 taxes, prorated from the date of sale.
- (j) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

4. This Ordinance shall take effect after final passage and publication according to law.

ATTEST:

TOWNSHIP OF GREEN  
IN THE COUNTY OF SUSSEX

  
Linda Peralta, RMC  
Township Clerk

  
Daniel C. Conkling  
Mayor, Green Township

**Record of Vote – Adoption:**

	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Mr. Bilik	✓			
Mr. Chirip				✓
Mr. Kurzeja	✓			
Mrs. Phillips	✓			
Mr. Conkling	✓			

INTRODUCED: 06/10/2013

ADVERTISED INTRODUCTION: 06/14/2013

PUBLIC HEARING: 07/08/2013

ADOPTED: 07/08/2013

ADVERTISED ADOPTION: 07/14/2013

**SCHEDULE A**

PROPERTY

MINIMUM BID

Block No. 59, Lot No.10

Located at 44 Forest Road

\$2,800.00

Block No. 59, Lot No. 27

Located at 33 Hillside Terrace

\$2,800.00