

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #11-0-17

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTIES OWNED BY THE BOROUGH OF WANAQUE, PASSAIC COUNTY, NEW JERSEY, AND NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. authorizes the sale by municipalities, of any real property, capital improvements, or personal property or interest therein, not needed for public use, by sale in the manner provided by law; and

WHEREAS, the Borough of Wanaque is the owner of certain real property not needed for public use, and the Borough of Wanaque has determined that it is in the best interests of the Borough to sell the same;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wanaque, County of Passaic, State of New Jersey, as follows:

SECTION 1. That the property set forth in Schedule A annexed hereto shall be offered for sale pursuant to N.J.S.A. 40A:12-13 (B) (5) to owners of real property contiguous to the property listed for sale. Bids from contiguous property owners shall be submitted to the office of the Borough Clerk at a date to be determined by the Business Administrator and advertised accordingly to law.

SECTION 2. All property sold shall be subject to the following restrictions and terms of sale:

- A. All necessary title searches and surveys shall be the responsibility of the purchaser and shall be accomplished prior to the date of the sale.
- B. That the description of the properties are intended as a general guide only, and may not be accurate.
- C. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE BOROUGH OF WANAQUE AS TO THE CONDITIONS OF THE PROPERTY OR THEIR FITNESS FOR USE FOR ANY PURPOSE WHATSOEVER. SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITION AS IS.
- D. That said sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons of possession, easements, conditions covenants and restrictions and any other encumbrances of title which the Borough of Wanaque may impose on any parcel at the time of sale, including but not limited to restrictions on the use to be made of such real estate. In particular, no building or structure may be erected on the property to be sold.
- E. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and Borough of Wanaque.

- F. That should the title to the property prove to be unmarketable for any reason, the liability of the Borough shall be limited to the repayment to the purchaser of amount of deposit or any portion of the purchase price paid and shall not extend to any further costs, expenses, damages, or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing, no later than 30 days after the sale is approved by the Governing Body of the Borough of Wanaque. Failure on the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.
- G. That offers for any and all of the properties may be for a sum equal to the suggested price on the schedule or for a larger or greater sum.
- H. The Borough of Wanaque retains the right to reject all bids.
- I. The successful bidder agrees to the following conditions.
 - (i) To deposit cash, certified check, or money order in an amount not less than ten (10%) per cent of the bid price at the time the bid is submitted.
 - (ii) To submit with the bid a copy of the deed for the contiguous property claimed to be owned.
 - (iii) To pay in full at the time of closing: (a) the balance of the purchase price; (b) the cost of preparation of all legal documents including any special property description; (c) the proportionate costs of advertisement of sale; (d) the cost of recording deeds; and (e) agrees that deeds shall be recorded on behalf of the purchaser by the Borough Attorney.
 - (iv) To pay the pro-rated real estate taxes for the balance of the current year as of the date of the closing.
 - (v) To abide by appropriate zoning and subdivision, health and building requirements and codes, and further stipulate that the sale itself will not be used as grounds to support any variance from or relief from said regulations.
 - (vi) That the failure to close title as agreed shall forfeit to the Borough of Wanaque any and all monies deposited with the Borough.
 - (vii) That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of the State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other property.
 - (viii) Closing of title shall be considered be of the essence.
- J. The Borough reserves the right to require that two or more parcels of contiguous property be merged.
- K. The Borough reserves the right to withdraw the offer of sale and to reject any and all bids.

- L. All sales are subject to final approval by the Governing Body of the Borough of Wanaque
- M. Parties interested in submitting bids and who require additional information should contact Katherine J. Falone, Wanaque Municipal Clerk, 579 Ringwood Avenue, Wanaque, NJ 07465
- N. The property shall not be utilized for the purposed of constructing any new dwelling unit or units, or any new home, but may, however, be used for purposes ancillary to homes constructed on contiguous properties such as, but not limited to, garages, swimming pools, storage shed, and such other similar ancillary uses, except in the case of any home previously destroyed by fire.
- O. All bids shall be in increments of \$50.00
- P. The terms and conditions of sale are annexed hereto and made a part hereof.

SECTION 4. All ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take affect 20 days after final passage and publication as required by law and any sections or portions of ordinances inconsistent herewith are hereby repealed.

Dated: September 18, 2017

Katherine J. Falone, RMC, CMC
Municipal Clerk

SCHEDULE A

Block 425 Lots 27 & 28

Minimum Bid \$5,000

Lots are to be merged

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NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 18th day of September 2017, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WANAQUE.

DATED: September 18, 2017

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

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COUNTY OF PASSAIC
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BE IT RESOLVED that an Ordinance entitled

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ET SEQ.

pass first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Borough Council to be held on the 16th day of October 2017, at the Municipal Building in the Borough of Wanaque, at 8:00 o'clock p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 9/18/17

Filed: 9/18/17

Approved: 9/18/17

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk