

Egg Harbor Township

Resolution No. 306

2017

Resolution declaring certain currently owned public property to be no longer necessary for public purposes and authorizing and setting public auction with adjacent property owners having right to first refusal of said properties, which offers for said property to be received on Wednesday, August 30, 2017 at 10:00 am in the Township of Egg Harbor Municipal Building, Conference Room 108

WHEREAS, N.J.S.A. 40A:12-13 (a) authorizes a municipality to sell by public sale at auction, real property which it determined is no longer necessary for public municipal purposes; and

WHEREAS, the properties listed in Exhibit A are no longer needed for any municipal purposes by the Township of Egg Harbor;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that:

SECTION 1: SALE TERMS AND PROVISIONS

1. The parcel of real property described on the attached **Exhibit A**, incorporated herein, are declared by the Township Committee to be not necessary for public municipal purposes and that the best interest of the public shall be served in selling said property by public sale at auction to the highest offer at or above the minimum price set forth on **Exhibit A**; with the Township Committee reserving the right to accept or reject or otherwise remove a property from sale; on *Wednesday, August 30, 2017, in Conference Room 108, located at the Egg Harbor Township Municipal Building, at 10:00 a.m., prevailing time.*

2. As to any undersized lots listed in **Exhibit A**, they shall be first offered to the adjoining property owner at the minimum price appearing in **Exhibit A**. If there be more than one adjacent owner, then the property shall be sold to the highest bidder among adjoining property owners. If no adjoining property owner bids on the property, then it shall be open to full public bidding.

3. A deposit of 10 percent of the minimum price for real property must be paid in cash or by certified bank check by the successful bidder at the time of the offer; said time and place set forth herein. This deposit shall be made subject to return in the event of rejection of said offer. The balance, together with the costs of sale and legal expenses must be paid at closing in cash or by certified bank check.

4. These costs of sale described in paragraph 3 above, shall include, but are not limited to, legal expenses, title search fees, insurance fees, appraisal fees, survey fees, recording fees, and any such other costs of sale; but this shall not obligate the Township to incur these expenses or provide these services. The successful bidder shall be responsible for any and all such costs. The Township reserves the right upon completion of the sale to accept or reject the highest bids made at the public sale; which acceptance or rejection shall be made no longer than the second regular meeting of the Township Committee following the sale.

5. Upon acceptance of a bid and payment of all costs and expenses related thereto, the Township of Egg Harbor shall issue a Bargain and Sale Deed; without covenants; to the successful and accepted bidder. The deed shall contain restrictive covenants that said premises shall not be used for a landfill, sand pit, gravel pit, a mobile home park, a piggery or for the business of raising

pigs. Should the said lot or lots to be conveyed be undersized and do not conform to zoning lot size requirements, then they are to be conveyed subject to a further covenant in the deed restricting use of the lot or lots for building purposes until such time as the purchaser causes the lot or lots to conform to current zoning, either through an appropriate variance action, or by meeting lot size requirements by joining a sufficient number of parcels of real property to conform to the lot size requirements as well as to any and all other zoning requirements.

6. The deed shall contain a restrictive covenant that precludes the purchaser from utilizing this parcel of land to increase the number of buildable lots which could be subdivided from their adjacent parcel of land at the time of this purchase.

7. The parcels shall be subject to all restrictions, covenants, easements, rights of way, exceptions, liens; whether any or all are known or unknown and whether or not of record. No representations, covenants, promises, or warranties are made by the Township of Egg Harbor as to title, and responsibility for determining clear and marketable title rests solely with the bidders who shall govern themselves accordingly. The properties in question shall otherwise be sold subject to all existing Federal, State, County and Municipal laws, including, but not limited to, current zoning, health, and planning laws; rules and regulations.

8. Settlement between the Township of Egg Harbor and the successful bidders shall take place on or before October 31, 2017. The Township shall be solely obligated to tender a Bargain and Sale Deed; without covenants; with restrictions stated herein; and a certified copy of the sale resolution.

9. The sale authorized by this resolution shall be contingent upon and subject to the right of first refusal granted, pursuant to New Jersey statutes to contiguous real property owners to the subject real property for auction sale; said right to be exercised in accordance with Paragraph 2 herein.

10. Offers may be made by an individual, corporation, or governmental entity; with any or all acting on their own behalf. Offers may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other authorized representative; although no commission shall be payable by the Township of Egg Harbor to any real estate broker or other authorized representative of a purchaser in connection with any sale or property by the Township.

11. The Township Committee shall also have a period of time to reconsider said resolution not later than thirty (30) days after the final passage and advertisement of said resolution. This shall include the right to terminate any auction sale, revoke a property from the auction sale list, and any monies paid by a bidder through to that time will be refunded if the Township Committee does exercise its right to not accept bids or otherwise remove a property from the public sale auction list.

12. The Township Clerk is hereby directed to file with the Director of the Division of Local Government Services in the Department of Community Affairs for the State of New Jersey, the required sworn affidavit verifying the publication of advertisements required by statute applicable to this Resolution and the sale of municipal public property.

Dated: July 19, 2017

Eileen M. Tedesco, RMC
Township Clerk

Attachment: Exhibit A

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Exhibit A

Block	Lots	Name of Street	Minimum Bid
7101	129	149 Robert Best Road	\$4,300
	150	168 Bevis Mill Road	

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Resolution Approval:	July 19, 2017
1st Publication:	August 16, 2017
2nd Publication:	August 23, 2017
Sale Date:	August 30, 2017
Settlement	October 31, 2017