

ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP OF WASHINGTON

WHEREAS, the Township of Washington is the owner of certain lands and capital improvements within the Township of Washington which were acquired with funds from the Open Space and Farmland Preservation Trust Funds; and

WHEREAS, the Township Committee of the Township of Washington does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township desires to make available for public sale said lands in accordance with N.J.S.A. 40A:12-13(a); and

WHEREAS, §3-145 of the Code of the Township of Washington requires that the sale of any lands acquired with funds from the Open Space and Farmland Preservation Trust Funds be authorized by ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. The Township Committee hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey and ordinances of the Township of Washington.

SECTION 2. The Township of Washington hereby authorizes Coldwell Banker Residential Brokerage, Auction Division, to offer for sale to the highest bidder by open public sale at auction, the properties described in Schedule A attached hereto and made a part hereof.

SECTION 3. The public sale shall take place at the Township of Washington Municipal Building, located at 43 Schooley's Mountain Road, Long Valley, New Jersey 07853 on December 8, 2009, at 7:00 p.m. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

SECTION 4. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder. There shall be a minimum bid price of \$234,440.

SECTION 5. Any person bidding on behalf of a corporation must either submit a copy of a resolution of the corporation or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.

SECTION 6. All bidders at the time of sale must present a certified check or money order, payable to themselves (to be endorsed to the Township of Washington if successful), in the amount of ten (10%) percent of the minimum bid. The successful bidder shall submit a personal check or money order for the balance of the deposit of 10% of the bid amount at the conclusion of the auction and shall execute an Agreement of Sale. The balance of the purchase price shall be paid at closing which shall occur not later than 60 days following the acceptance of the bid by the Township. The purchaser shall be entitled to possession immediately following closing of title.

SECTION 7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of five (5%) percent of the bid amount.

SECTION 8. The Township reserves the right to accept or reject any and all bids at the public sale and to not award to the highest bidder.

SECTION 9. In the event the Township of Washington is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do

business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of Washington in connection with the quality of title conveyed.

SECTION 10. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold “as is.”

SECTION 11. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance.

SECTION 12. The property is subject to an agriculture easement for the benefit of the County of Morris and its successors, which restricts the use of the property to agriculture purposes.

SECTION 13. The Township Committee reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth in Section 14 hereof.

SECTION 14. Acceptable bids shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale.

SECTION 15. This Ordinance shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

SECTION 16. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

SECTION 17. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WASHINGTON

Dianne S. Gallets, Clerk

Kenneth W. Short, Mayor

SCHEDULE A

<u>Block</u>	<u>Lot</u>	<u>Acreage</u>	<u>Zone</u>	<u>Location</u>	<u>Minimum Price</u>
60	1 & 5	58.11	R-5	Parker Road	\$234,440.00

Note: A metes and bounds description is attached hereto as Exhibit A. This property is subject to an agriculture easement in the name of the County of Morris, an access/parking easement for the benefit of the Fairmount Fire Company, a New Jersey Power & Light Company easement and an access easement for the benefit of Block 60, Lot 12.

The property has been the subject of an environmental cleanup.

There is currently an encroachment on the property consisting of hardwood trees planted by the owners of Block 60, Lot 3 on .63 acres.

Additional information is available from Coldwell Banker, Residential Brokerage, Auction Division.