

ORDINANCE 2018-3 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF CERTAIN MUNICIPALLY-OWNED PROPERTY PURSUANT TO N.J.S.A. 40A:12-13(b)

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the private sale of municipally owned real property no longer needed for public use to contiguous land owners where said property is vacant and unable to be developed separately pursuant to municipal zoning ordinances or otherwise qualify for a private sale; and

WHEREAS, The Township of Berlin has determined that certain parcels of municipally owned land are not necessary for public use and said lands being identified on the Schedule "A" attached hereto; and

WHEREAS, the Governing Body of the Township of Berlin has determined that said properties would be of better value as a privately owned tax ratable.

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1. The real property listed on Schedule "A" attached hereto shall be advertised for private sale to contiguous land owners pursuant to requirements of N.J.S.A. 40A:12-13(b).

SECTION 2. That notice of said private sale to contiguous property owners shall be published in a newspaper circulating in the municipality by one insertion within five (5) days of the adoption of this Ordinance. A Notice of Sale also shall be posted on the Township bulletin board and website with a copy of same mailed to all contiguous property owners immediately following the date of the adoption of this Ordinance. The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs the required affidavit verifying the publication of advertisements in accordance with law.

SECTION 3.

A. The Township shall accept offers/bids from contiguous property owners for a period of twenty (20) days from the date of newspaper advertisement. All bids must be received in a sealed envelope addressed to the Township of Berlin, Attention Berlin Township Clerk.

B. Said properties are being offered for sale to contiguous property owners as either undersized, landlocked, or otherwise restricted lots unable to be separately developed with the condition that the Township is issuing no representations or warranties as to the permissibility or advisability of the property's use, including but not limited to sewer and water capacity availability to or for the property, and of any limiting environmental conditions, including but not limited to the presence of wetlands. The successful bidder is solely responsible for obtaining any and all necessary local, county or state permits and/or approvals for use of the property or for

constructing any improvement on the property. The Township makes no representations as to any previous use of the property and does not guarantee clear title to the property.

C. All bids shall be referred to the Township Governing Body for final review and approval which shall be by Resolution within fourteen (14) days after bids are received.

D. The successful bidder shall be required to pay all conveyancing expenses, including legal fees and advertising costs, and to provide at its own expense a title search and legal description to the Township for preparation of the Deed of Conveyance by the Township.

E. The minimum purchase price for each lot and all other conditions of sale are described in Schedule "A" attached hereto.

F. A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the Township. If, however, the Township is unable to convey marketable title, the private sale shall be null and void and of no further effect. In addition, any deposit monies received pursuant to this bidding procedure shall be returned.

G. The confirmation of the sale by the Governing Body shall be a complete acceptance of the bid and, thereafter, within thirty (30) days from said confirmation, settlement must be completed by the successful bidder. In the event the successful bidder defaults and fails to complete the settlement within the time period allowed, the Township shall be entitled to rescind the prior approval, terminate all rights of the designated bidder and the down payment shall be forfeited to the Township. Said time period may only be extended for good cause documented to and approved by the Township.

H. A deposit not exceeding ten percent (10%) of the minimum bid price of the tract of land on which the bid is submitted shall be paid by the successful bidder in cash, cashiers check or certified check within seventy-two (72) hours of notification from the Township that said party is the successful bidder. Failure to make the payment in the time period required will nullify said bid and the Township will notify the next highest bidder, if any, of being the successful bidder.

I. The lot(s) being offered for sale are subject to existing liens, encumbrances, judgments, zoning regulations, easements, and any other regulations, which such facts would be revealed by a title report and an accurate survey which the Township has not undertaken.

J. The purchaser shall be the responsible party to terminate any and all existing tenancies.

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

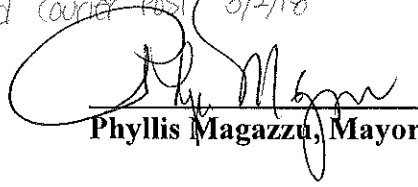
SECTION 5: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced: January 22, 2018
Adoption: February 26, 2018

Advertised Courier Post 2/2/18
Advertised Courier Post 3/2/18



Catherine Underwood, Township Clerk


Phyllis Magazzu, Mayor

It is hereby certified that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of the Township of Berlin on February 26, 2018.



Catherine Underwood, Township Clerk