

**ORDINANCE NO. 2150**

**AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF NON-CONFORMING REAL PROPERTY KNOWN AS BLOCK 40, LOT 54 TO CONTIGUOUS PROPERTY OWNERS PURSUANT TO NJSA 40A:12-13(B)(5)**

**WHEREAS**, NJSA 40A:12-13(B)(5) authorizes the sale of municipally owned property which is less than the minimum size required for development under the Municipal Zoning Ordinance; and which is without any capital improvement thereon, to the owners of contiguous real property; and

**WHEREAS**, the Township Council has found and determined that the real property designated as Block 40, Lot 54 aforesaid will not be needed for public use and may be offered for sale to the contiguous owners pursuant to the cited statutes.

**WHEREAS**, the Tax Assessor of the Township of Ocean has recommended the sale of the subject lot with a minimum bid price of \$17,200.00 "Schedule A" attached.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

**SECTION I**

Within five (5) days following final enactment of this ordinance, the Township Clerk shall post on the regular Town Hall bulletin board and advertise in a newspaper circulating the Township, a notice setting forth the following information as to the sale of Block 40, Lot 54 (Grove Avenue) of the Township of Ocean Tax Map, whose sale is hereby authorized. A copy of this notice shall be mailed by certified mail by the Township Clerk to all contiguous property owners of the property being offered for sale within the aforesaid five (5) day period.

**PUBLIC NOTICE  
TOWNSHIP OF OCEAN – MONMOUTH COUNTY**

TAKE NOTICE that an ordinance of the Township of Ocean adopted pursuant to NJSA 40A:12-13(b)(5) on August 9, 2010 the Township of Ocean offers for sale the following property to contiguous property owners under the following terms and conditions:

- a) Property offered for Sale: Block 40, Lot 54 (Grove Avenue) of the Township of Ocean Tax Map;
- b) **Minimum Price: \$17,200.00**
- c) Deed Restriction: Block 40, Lot 54 of the Township of Ocean Tax Map shall be precluded from further sale as a separate lot by the contiguous owner purchasing said property pursuant to this ordinance. Nothing contained herein shall prohibit the development of Block 40, Lot 54 of the Township of Ocean Tax Map for accessory uses to the principal, contiguous lot with which it shall be merged; or shall preclude its development as a fully buildable lot providing it is included with other lands from the principal contiguous lot if a subdivision is approved by the Township of Ocean Planning Board or Board of Adjustment.
- d) The sale is made subject to all restrictions, covenants, restrictions and conditions of record, with said property being sold in an "as is" condition and is being sold subject to such other facts that an accurate, certified survey would reveal.
- e) Any contiguous property owner desiring to make an offer for the purchase of the property being offered for sale herein shall, within twenty (20) days following advertisement of this notice or a receipt of a mailed copy of this note, make an offer in writing by certified mail addressed to the Township Council c/o Township Clerk, Township of Ocean, 399 Monmouth Road, Oakhurst, New Jersey 07755 at no less than the minimum price set forth hereinabove. **All bids must be received no later than 3:00pm on Friday, September 16, 2010, all bids must be marked "Sealed Bid Enclosed"**.

- f) The Township Council of the Township of Ocean reserves the right to reject any and all offers, and shall accept or reject any offer within thirty (30) days of the advertisement of this public notice. If the Township Council fails to accept or reject any offer within the aforesaid time period, all offers will be deemed rejected. Where there is more than one owner with real property contiguous to the property being offered for sale, the subject property will be sold to the highest bidder or offer from among all such owners submitting an offer as provided for herein. **All offers shall be accompanied by a certified or cashier's check in the amount of ten percent (10%) of the offer made, payable to the Township of Ocean; the balance shall be paid at closing of title.**
- g) A meets and bounds description must be provided by the successful bidder within twenty (20) days after the acceptance of the offer by the Township Council.
- h) The closing of title shall be by a bargain and sale deed without covenants as to grantor. Closing shall take place no later than ninety (90) days after the acceptance of the offer by the Township Council. The Township of Ocean makes no representation as to the condition or marketability of title as to the subject property.
- i) In addition to the purchase or offer price, it shall be the responsibility of the successful bidder to pay at closing the advertisement and mailing costs in connection with this sale and the Township Attorney's fee for the preparation of the deed in connection with this sale. If the successful bidder or offer shall fail to close title through no fault of the Township, the successful bidder or offerer shall forfeit the deposit made for the sale, which shall be retained by the township as liquidated damages.
- j) The Township Clerk shall file with the Director, Division of Local Government Services in the Department of Community Affairs, a sworn affidavit verifying publication of advertisement as required by this ordinance.

## SECTION II

All ordinances and parts of ordinances in consistent herewith are hereby repealed.

## SECTION III

Since this ordinance is not legislative in nature, it need not be codified in the "Revised General Ordinances of the Township of Ocean."

### **CERTIFICATION**

*I hereby certify that this is a true copy of a Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **July 7, 2010.***

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Vincent Buttiglieri, RMC/CMC  
Township Clerk

**SCHEDULE A**

**Property Value Calculation**

**Block 40, Lot 54**

**Grove Avenue**

Square Feet	4,000
Price per Square Foot	\$4.30
Minimum Opening Bid	<b>\$17,200.00</b>

