

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PRIVATE SALE OF BLOCK 175
LOT 62 (VACANT LAND NO ASSIGNED ADDRESS IN
THE AREA OF KENNEDY BLVD. EAST), IN THE
TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AT PRIVATE SALE
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

WHEREAS, the Township of Lakewood is the owner of real property known as Block 175 Lot 62, in the Township of Lakewood, County of Ocean, State of New Jersey (collectively the "Property"); and

WHEREAS, the Property is located north of paper street Kennedy Boulevard East in an undeveloped area and contains approximately 3,000 square feet. It is located in the R-12 Zone and it is permitted uses as set forth in the township's Unified Development Ordinance. It is an undersized lot with no improvements thereon. Neither the Master Plan nor the Smart Growth Plan call for any changes to the zone or property use. The property is not encumbered by any known wetlands.

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Township to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where the Township owned Property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of the said real property; and

WHEREAS, the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, has determined that the Property is not needed for public use, and the sale of the Property will return the Property to the tax rolls of the Township of Lakewood, and it is in the best interests of the Township of Lakewood to offer the Property for sale at a private sale to an owner of real property contiguous thereto, to the highest bidder; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey as follows:

SECTION 1. The Township of Lakewood in the County of Ocean is the owner of the following land located within the Township of Lakewood (hereinafter

of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.

- 12) No representation is made by the Township as to the utility, usability or environmental condition of the Property.
- 13) The purchaser will pay at the time of closing a fee per lot of \$155 to change the tax map.

(e) All bids must satisfy any requirements and meet any terms and conditions of the Contract of Sale. The successful bidder will execute the Contract upon completion of bidding and its payment of the required deposit. To execute the Contract, the bidder shall properly execute the Contract in the signature spaces at the end. Failure to execute the Contract properly shall not affect the obligation of the successful bidder or the validity of the sale. The deed given by Lakewood Township for the Property will be a Quit Claim Deed. No title contingencies or conditions are permitted.

(f) The sale shall be subject to adjournment or cancellation by the Township Committee.

(g) The Township reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all and not to award to the highest bidder. The Township 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.

(h) It is suggested and recommended that potential bidders perform title searches and/or last owner and lien searches on the properties that they are interested in bidding upon prior to the date of bid submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential bidders exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Township of Lakewood shall not be responsible for the costs associated with such searches in the event that the Township of Lakewood is unable to convey title and/or if a bid is rejected.

SECTION 6. That notice of the Township's intention to sell the Property and the minimum bid price therefore shall be sent by certified mail, return receipt requested, to all property owners listed on the municipal tax records who own

properties contiguous to the Property.

SECTION 7. That said notice and a certified copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the municipal building.

SECTION 8. That any offer(s) for the Property may thereafter be made to the Municipal Manager for a period of twenty (20) days following the newspaper advertisement, for not less than the minimum price provided herein.

SECTION 9. That if more than one bid is received, the Municipal Manager may hold such bids without opening, advise the Township Committee of such multiple bids, and said Township Committee shall decide whether to invite said bidders to a public meeting for purposes of an open auction between the original submitting bidders, or to open said original bids.

SECTION 10. That, if sold, the Property shall be awarded to the highest bidder in excess of the minimum bid price for the Property.

SECTION 11. That the Township Committee of the Township of Lakewood may reconsider its decision to sell the subject Property within thirty (30) days after the enactment of this Ordinance and either offer the Property for sale at a public sale pursuant to N.J.S.A. 40A:12-13 (a) or reject any or all bids and retain any or all of the Property for Township use.

SECTION 12. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 13. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 14. This Ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

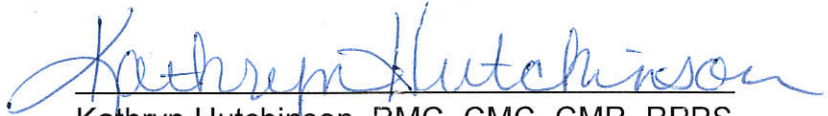
PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on **March 7, 2019**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 6:00 P.M. on **March 28, 2019**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.



Kathryn Hutchinson, RMC, CMC, CMR, RPPS
Township Clerk

CERTIFICATION

I, Kathryn Hutchinson, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **March 28, 2019** at 6:00 P.M., at the Municipal Building, located at 231 Third Street, Lakewood, NJ 08701.



Kathryn Hutchinson, RMC, CMC, CMR, RPPS
Township Clerk