

ORDINANCE #2026-028

AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PUBLIC SALE OF AN APPROXIMATE RECTANGULAR 22,000 SQUARE FOOT PORTION FRONTING ON WOOD AVENUE OF BLOCK 480 LOT 1 IN THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, 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 480 1, in the Township of Lakewood, County of Ocean, State of New Jersey; and

WHEREAS, this parcel is located in an R-20C zone. The lot is "L" shaped with one portion's dimensions 180' by 200' and the other 100' by 220', or approximately 58,236 square feet (1.33 acres). The 180' by 200' portion is dedicated for use by the municipality for a detention basin, but the remaining 100' by 220' portion fronting entirely of Wood Avenue, is not needed for same. It is adjacent to Lots 5, 6 and 8 in Block 480; and

WHEREAS, the Township has received a request to purchase this approximate 22,289 square foot portion of Block 480 Lot 1 (100' by 220') for use as a school or school-related activities; and

WHEREAS, the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, has determined that a portion the Property may be suited for development in conformity with a restriction for use as a school or school-related activities, and this proposed portion of property may not hold any intrinsic value for public use and it is in the best interests of the Township of Lakewood to offer the Property for sale by public sale.

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 referred to as the "Property"): Block 480 Lot 1.

SECTION 2. The Township Committee has determined it to be in the public interest to sell an approximate 100' by 220' portion of Block 480 Lot 1 fronting entirely of Wood

Avenue, the property to be sold, by public sale in accordance with N.J.S.A. 40A: 12-13(b)(5), specifically on the terms and conditions set forth in this ordinance.

SECTION 3. The Township Committee declares that a portion of the Property may be surplus and not needed for public use.

SECTION 4. The following conditions for the sale of the Property apply:

- (a) The Property has been appraised by Robert Gagliano, MAI, AI-GRS, CRE, of Gagliano and Company on July 1, 2026 to be valued at \$750,000.00, and this amount shall constitute the minimum bid for the portion to be subdivided from the mother lot.
- (b) The highest bidder will be the purchaser, subject to the following provisions: The highest bidder must make immediate application to the appropriate planning or zoning board of Lakewood Township to subdivide the 100' by 220' portion fronting entirely of Wood Avenue to be sold. The highest bidder must demonstrate that the utilization of this portion of property will not adversely affect the performance of the detention basin presently existing on the overall site, to the satisfaction of the municipal engineers. Moreover, the highest bidder must obtain approval for this subdivision within one hundred and twenty (120) days of the award of the bid. Failure to obtain subdivision approval within said time period shall vitiate and nullify the award of the bid.
- (c) The Township will only accept bids calling for an all cash purchase of the Property. Full payment of the purchase price must be received within 60 days of the date of subdivision approval, to be applied for immediately after the acceptance of the bid. The successful bidder will be required to pay, by either cash, wire transfer or bank check, a deposit equal to ten (10%) percent of minimum price of the bid at the close of bidding, with the balance to be paid by either cash, wire transfer or bank check at closing. Pending closing of title, this deposit will be held by the Township of Lakewood in a non-interest bearing escrow account, with the total deposit (excluding interest) to be credited to the purchase price at closing.
- (d) The sale of the Property is being made subject to the terms, conditions, restrictions and limitations of a Contract of Sale, which is on file with the Municipal Clerk, including but not limited to the following terms and conditions:
 - 1. The Property is being sold in an "AS IS" "WHERE-IS" condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at

its own cost and expense, and the approvals set forth above from the municipal engineers and appropriate municipal land use board.

2. The Property is being sold subject to existing zoning; however, prospective bidders should be aware that the Township has adopted a Smart Growth Plan which could require future changes in zoning for the Property. A copy of the Smart Growth Plan can be reviewed in the office of the Township Clerk.

3. The successful bidder shall bear the burden of paying any and all required sewer service and/or connection fees associated with the use of the Property.

4. The successful bidder shall pay prorated real estate taxes for the balance of the current year as of the date of closing of title.

5. The successful bidder shall bear the burden of obtaining any and all approvals from the appropriate municipal, county or government agency, if applicable. The successful bidder shall also bear the burden of obtaining and paying for any and all necessary permits, connections and/or arrangements to provide for water, electric, sewer, or solid waste disposal.

6. The closing of title to the Property is "TIME OF THE ESSENCE" and must take place within 60 days of the date of planning/zoning board approval and the failure of the successful bidder to close title as agreed shall result in the successful bidder's forfeiture of any and all money deposited with the Township.

7. The purchaser(s) shall pay the cost of recording fees.

8. The purchaser(s) shall pay any and all realty transfer and "mansion" taxes assessed in connection with the sale of the Property.

9. With respect to the sale of the Property herein, NO real estate commission is owed.

10. No representation is made by the Township as to the utility, usability or environmental condition of the Property.

(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 quitclaim deed. No title contingencies or conditions are permitted. In the event that the successful bidder fails to close title to the Property, the bidder shall forfeit all deposit monies made to the Township. No refunds whatsoever will be made by the Township of Lakewood in the event that the successful bidder fails to complete the purchase of the Property within thirty (30) days from the acceptance of the bid.

(f) To accomplish the stated goal of utilizing the property for school-related purposes, the Deed conveying the Properties shall contain the following language regarding the Township's Right of Reverter:

Purchaser agrees that the property shall be developed solely for school-related uses and purposes in perpetuity and the deed must be recorded within 30 days of closing, or title to the property shall automatically revert back to the Township of Lakewood without the necessity of entry or re-entry.

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

(h) Bidders may bid on the Property until the auctioneer strikes a final bid on the Property. The highest bid when struck will be the purchase price for the Property.

(i) 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 bids at the public sale 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.

(i) The Township's acceptance or rejection of bids shall be made not later than at the second regular Township Committee meeting following the auction. No bid shall be considered finally accepted until passage by the Township Committee of a Resolution accepting such bid.

(j) The Property is being sold "AS IS" "WHERE IS." The Property is sold 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 the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.

(k) Any material prepared and distributed in connection with this auction sale is for convenience purposes only and is intended to give prospective bidders a general understanding of the condition, location and size of the Property. The Township of Lakewood is not responsible for errors that may appear in such materials. Each prospective bidder is urged to thoroughly research and examine the Property prior to placing a bid. The Property will be available for inspection by appointment only. Prospective bidders desiring to inspect the Property should contact Lauren Kirkman, Township Clerk at (732) 364-2500 ext. 5970 between the hours of 9:00 a.m. and 3:00 p.m. to make an appointment.

(l) 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 or properties. 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 or properties. 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 5. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. 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 7. This Ordinance shall take effect upon final passage and publication in accordance with law.

Introduced: July 16, 2026

Adopted: August 13, 2026

CERTIFICATION

I, Lauren Kirkman, 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 **August 13, 2026.**


Lauren Kirkman, RMC, CMR
Township Clerk

