

ORDINANCE NO. 2023-8

**TOWNSHIP OF CHESTERFIELD
COUNTY OF BURLINGTON
STATE OF NEW JERSEY**

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN TOWNSHIP OWNED LAND NO LONGER NEEDED FOR PUBLIC USE TO CONTIGUOUS PROPERTY OWNERS IN ACCORDANCE WITH THE LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Township Committee has determined that certain municipally owned land designated as Block 302 Lot 34 on the tax map of the Township of Chesterfield (hereinafter the "Property"), consisting of one (1) undersized parcel of land, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5), and,

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use; and,

WHEREAS, specifically, N.J.S.A. 40A:12-13(b)(5) allows the sale of municipally owned property at a private sale, instead of at an auction, in certain circumstances. N.J.S.A. 40A:12-13(b)(5) provides, in part, that:

A sale to the owners of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any sale shall be for not less than the fair market value of said real property; and,

WHEREAS, the Township Committee of the Township of Chesterfield is of the opinion that the criteria set forth in N.J.S.A. 40A: 12-13(b)(5) are present; namely, the Property is less than the minimum size required for development in the zone district where same is located and is without any capital improvements, and that there are at least two (2) owners with real property

contiguous to the Property so that the Property shall be sold to one of the contiguous property owners; who, among them is the highest bidder; and,

WHEREAS, the Tax Assessor of the Township has determined the Fair Market Value of the Property to be seven hundred fifty dollars (\$750.00); and,

WHEREAS, the Township Committee of the Township is of the opinion that the Property is no longer useful to the Township and wishes to authorize the sale thereof in accordance with the applicable law as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the subject Property identified as Block 302, Lot 34 shall be sold by private sale. The property is being sold by the Township "as is".

BE IT FURTHER ORDAINED, in accordance with N.J.S.A. 40A:12-13(b)(5), the subject property is being offered to the adjacent property owners as it is an undersized lot with no capital improvement and there are at least two (2) contiguous property owners.

BE IT FURTHER ORDAINED, the following terms and conditions shall apply:

1. The subject property being sold is subject to the express condition that it shall be added to and become a part of the adjacent lands of the purchaser and it shall for all future purposes be considered as one parcel.
2. The Township Committee reserves the right to reject all bids.
3. The minimum bid the Township will consider is seven hundred fifty dollars (\$750.00), plus the cost of document preparation and recording of the deed, and agrees that deed(s) shall be recorded by the purchaser.
4. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 302, Lot 34", and shall be submitted within twenty (20) days after advertisement of sale required by N.J.S.A. 40A:12-13(b)
5. Potential Bidders are advised:
 - A. To conduct all necessary title searches prior to the date of the sale;
 - B. That the description of the property is intended as a general guide only and

may not be accurate. No representations of any kind are made by the Township of Chesterfield as to the conditions of the property; the Property is being sold in its present condition "as is";

C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Chesterfield;

D. That no employee, agent or officer of the Township of Chesterfield has any authority to waive, modify or amend any of the conditions of the sale;

E. That offers for the property must be made for a sum equal or greater to the minimum bid price of seven hundred fifty dollars (\$750.00); and,

F. The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

6. Additional Terms the Successful Bidder must comply with:

A. Bidder shall deposit cash, check or money order in the amount of not less than 10% of the bid price within ten (10) days of notice of acceptance of their bid. In the event that a bidder fails to timely deposit 10% of the bid price, the Township may re-auction the subject Property;

B. The property purchased shall be merged with the bidder's existing property;

C. The successful bidder shall pay at the time of closing:

(1) The balance of the purchase price; and,

(2) The cost of document preparation and the recording of deed(s) and agrees that deed(s) shall be recorded by the purchaser;

D. To pay prorated real estate taxes, if any, for the balance of the current year as of the date of closing;

E. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations;

F. That the failure to close title as agreed shall forfeit to the Township of Chesterfield any and all money deposited with the Township;

G. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property;

H. The Township reserves the right to withdraw the offer of sale and reject any and all bids;

I. All sales are subject to final approval by the Township Committee; and,

J. Parties interested in submitting bids and who require additional information, should contact Thomas Sahol, Township Administrator, Municipal Building, 295 Bordentown Chesterfield Road, Chesterfield, NJ 08515.

7. The Township does not warrant or certify title to the property and in no event shall the Township of Chesterfield be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Township, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.

8. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: May 25, 2023

Adopted:

Effective Date:

RECORD OF VOTE ORDINANCE 2023-8													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Blazic	X					X	Blazic						
Liedtka	X						Liedtka						
Litt	X						Litt						
Dhopte	X				X		Dhopte						
Koetas-Dale	X						Koetas-Dale						
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted at a meeting of the Mayor and Township Committee held on June 8, 2023.

Caryn Hoyer, RMC, Township Clerk