

ORDINANCE O:43-2023

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
AUTHORIZING THE SALE OF TOWNSHIP OWNED LAND**

WHEREAS, Various Lots of various Blocks are owned by the Township of Monroe and are not needed for public purpose; and

WHEREAS, it is in the best interest of the Township of Monroe, of Gloucester County, New Jersey, to sell such lands to generate revenue, reduce taxes and reduce liability; and

WHEREAS, *N.J.S.A. 40A: 12- 13. 2* provides in pertinent part that whenever any municipality intends to sell real property which is less than the minimum size required for the development under the municipal zoning ordinance and is without any capital improvement thereon, the municipality must accord contiguous property owners the right of first refusal to purchase said land, a copy of said list is attached hereto as **Exhibit “A”**; and

WHEREAS, additional lots, attached hereto as **Exhibit “B”**, which are not needed for public purpose, shall be sold at a public sale to be held on the same date set forth herein; and

WHEREAS, it is in the best interest of the Township of Monroe to advertise this land for public sale to the highest bidder in accordance with *N.J.S.A. 40A: 12- 13*.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Gloucester and State of New Jersey as follows:

1. The Township Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction to the highest bidder all of the Township right, title and interest in and to the properties listed on **Exhibit “A”** and **Exhibit “B”** on the municipal tax map of the Township of Monroe, pursuant to the provisions of *N.J.S.A. 40A:12- 13*.
2. The minimum bid for such property is listed in **Exhibit “A”** and **Exhibit “B”** per property. No bid less than the minimum amount set forth will be considered.
3. The Township Solicitor is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owners of the lot being offered for sale that such contiguous owner may bid for such lot in accordance with the terms and conditions set forth herein. The Clerk is directed to advertise the sale in a newspaper circulating in the Township by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier E than seven (7) days prior to the date of the public sale.
4. The properties set forth above are not necessary for public municipal purposes and the best interest of the public shall be served in selling said properties by public sale to the highest bidder at or above the minimum price set forth in **Exhibit “A”** and **Exhibit “B”** with the Township Council reserving the right to accept or reject or otherwise remove any lot from sale.
5. For any property that is subject to sale by the Municipality, where the minimum starting bid is less than Four Thousand U.S. Dollars (\$4,000.00), the subsequent bids must increase, at minimum, in increments of Fifty U.S. Dollars (\$50.00) above the then-current highest bid.

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6. For any property that is subject to sale by the Municipality, where the minimum starting bid is equal to Four Thousand U.S. Dollars (\$4,000.00) or more, the subsequent bids must increase, at minimum, in increments of Five Hundred U.S. Dollars (\$500.00) above the then-current highest bid.
7. Said public auction sale shall be conducted on **December 13, 2023 at 10:00AM** or such later date or time as may be established and advertised by the Township Clerk. Said public auction sale shall be conducted at the Monroe Township Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey. Each bidder wishing to submit a bid and participate in the auction shall be registered as a bidder prior to the sale by contacting the Township Clerk, Township of Monroe, 125 Virginia Avenue, Williamstown, New Jersey, telephone number 856-728-9800 ext. 217. The sale shall be to the highest bidder at the auction. No bid shall be considered unless it is made orally at the auction. The Township Clerk may establish such other appropriate procedures for the auction as deemed necessary.
8. On the scheduled date and time of the public sale, the Mayor or Township Clerk may by announcement to the public, adjourn the date and time to a later announced date and time not later than thirty (30) days after the original date. Said announcement shall be deemed adequate notice to all interested parties.
9. The highest bid shall be referred to the Township Council for review and final approval pursuant to *N.J.S.A. 40A:12-13* and the Township reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be then returned.
10. A deposit of 10 percent of the minimum price for real property must be paid in cash, certified check, bank check or money order made payable to the Township of Monroe by the successful bidder at the time of the public sale; said time and place set forth herein. This deposit shall be made subject to return in the event of rejection of said bid. The balance, together with the costs of sale and legal expenses must be deposited in full by either cash or certified bank check within twenty (20) days after the date of sale or acceptance of bid whichever is later at the office of the Township Clerk.
11. The lots set forth in **Exhibit "A"** shall be first offered to the contiguous property owners at the minimum price set forth in said Exhibit. If there be more than one (1) contiguous owner, then the property shall be sold to the highest bidder from among the adjoining property owners.
12. All bids shall be referred to the Township Council for review and final approval pursuant to *N.J.S.A. 40A:12-13* and the Township reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.

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13. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title by the Township Attorney, or for the Township Attorney's review and approval of the documents not to exceed \$600.00, as well as the cost of recording the Deed with the Gloucester County Clerk. The balance of the purchase price, together with cost of preparation of the deed of conveyance and related documents for the transfer of title and the Gloucester County recording fee must be paid by certified check, money order or bank check made payable to the Township of Monroe and provided to the Township Clerk within twenty (20) days of the date of sale.
14. The Mayor and Township Clerk are hereby authorized to execute said Bargain and Sale Deed without covenants and other conveyance documents and the Township Attorney is authorized to prepare such deed and other documents on behalf of the Township after the Township Council accepts the bid offer.
15. In addition to the terms and conditions set forth herein, the successful bidder agrees to the imposition of the following conditions by the Township:
 - a. Acceptance of the offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.
 - b. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Township any and all monies deposited with the Township.
 - c. The Township does not warrant or certify title to the property and in no event shall the Township be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages against the Township, the sole remedy being the right to receive a refund of the deposit paid prior to closing in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Township shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and condition contained herein.
 - d. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Township of Monroe, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any, on the land and a continued right of maintenance and flow thereof. The Township shall be without obligation to provide access, public or private, or to provide any improvements.

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- e. The land being conveyed in **Exhibit “A”** are undersized lots and may not be developed separately for residential or other purposes and, if applicable, must be merged with the contiguous land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property that, if applicable, neither nor the property with which it is consolidated shall thereafter be subdivided. The deed will also contain a further covenant that neither the purchaser nor any future owner or potential developer of the lot may ever in any manner, directly or indirectly, assert a claim against the Township of Monroe based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.
 - f. The Township makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, know or unknown, regarding said lands and the successful bidder agrees to fully release and indemnify the Township with respect thereto. The bidder shall be fully responsible for the exercise of due diligence in determining all aspects of the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of land. The Township Engineer has represented that the site may contain contamination. The Township sells the property “AS IS” in which the bidder releases the Township of all liability and responsibility of any said contamination, if found, on the site.
- 16. The Township Clerk, the Mayor and the Township Attorney are authorized to prepare and execute any and all such documents and to take any and all such actions as may be required to affect the transactions set forth herein.
 - 17. The Township Clerk shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of the advertisements required by *N.J.S.A. 40A:12-13(b)*.
 - 18. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser’s attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Township of Monroe to any real estate agent or broker or other representative in connection with any sale.
 - 19. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws, regulations and ordinances of the State of New Jersey and the Township of Monroe.
 - 20. All potential sales are subject to final approval by the Township Council. This includes the right of the Township Council to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated by the Township, any monies paid by a successful bidder will be refunded.

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21. In the event that a bidder, having paid a deposit for a property under the purview of this Township land sale ordinance, fails to complete the full purchase in accordance with the stipulated terms and timelines said ordinance, said deposit shall be deemed non-refundable and shall be forfeited in its entirety to the Township. This forfeiture serves as a measure to compensate for administrative efforts, potential loss of other sale opportunities, and other incidental costs incurred due to the bidder's non-completion of the sale.
22. The Township reserves the right to waive any and all defects, informalities and irregularities in any bid. The Township further reserves the right to reject all bids in each instance where the highest bid is not accepted and it is, in its discretion, to re- advertise the property for sale. No bid shall be considered finally accepted until confirmed by the Township Council.

SECTION I. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION II. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

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

TOWNSHIP OF MONROE

CNCL. PRES., CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 9th day of October, 2023, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 23rd day of October, 2023 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2023.

MAYOR GREGORY A. WOLFE