

TOWNSHIP OF WANTAGE

AN ORDINANCE AUTHORIZING THE PUBLIC AUCTION SALE OF REAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.

Ordinance #2012-09

WHEREAS, the Wantage Township Committee has determined the municipally owned properties listed in Schedule A are no longer necessary for municipal purposes and as such shall be sold at public auction sale.

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

NOW, THEREFORE, BE IT ORDAINED the Township by public auction sale shall sell the municipally owned land listed in Schedule "A" at the Wantage Township Municipal Building, 888 Route 23 South, Wantage, New Jersey. The sale shall be on such date and time as determined by the Township Administrator. Notice of the sale shall be published as required by N.J.S.A. 40A:12-13. The properties are being sold by the Township "as is".

BE IT FURTHER ORDAINED the Township Committee reserves the right to reject all bids. The successful bidder shall provide a deposit in the amount of 10% on the day of sale and the balance of the bid shall be paid on or before February 20, 2013.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Wantage, County of Sussex and State of New Jersey, as follows:

A. Potential Bidders are Advised:

- (1) A percolation test may be performed prior to the date of sale according to the provisions of the Health Code of the Township of Wantage. Anyone wishing to have a test performed shall contact the Township Health Department.
- (2) To conduct all necessary title searches prior to the date of sale.
- (3) That the descriptions of the properties are intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Wantage as to the conditions of the property; the premises are being sold in their present conditions "as is".
- (4) 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 Wantage.
- (5) That no employee, agent or officer of the Township of Wantage has any authority to waive, modify or amend any of the conditions of the sale.
- (6) That offers for any and all of the properties must be made for a sum equal or greater to the minimum bid price listed on Schedule "A".
- (7) The properties 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 properties to be conveyed.
- (8) All sales are subject to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. and all rights reserved to the Township by such law.

B. Additional Terms the Successful Bidder must comply with:

- (1) Bidder shall deposit cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Township will re-auction the property at the same public sale.
If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
- (2) In the case of any contiguous undersized parcel of property, it shall be merged with the bidder's existing property and shall not be subdivided in the future. The successful bidder shall present to the Township Clerk two weeks prior to the time of closing, a copy of the Deed for the contiguous property.
- (3) Pay at the time of closing, the balance of the purchase price, as well as the cost of recording deeds and agrees that deeds shall be recorded on behalf of the purchaser by the Township Attorney.
- (4) To pay prorated real estates taxes for the balance of the current year as of the date of closing.
- (5) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulates that this sale will not be used as grounds to support any variance from or realization of the regulations.
- (6) That the failure to close title as agreed shall forfeit to the Township of Wantage any and all money deposited with the Township.
- (7) 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 properties.
- (8) That the title shall close on or before February 20, 2013 and that date shall be considered time of the essence. The Township reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
- (9) The Township reserves the right to withdraw the offer of sale and reject any and all bids.
- (10) All sales are subject to final approval by the Township Committee.
- (11) Parties interested in submitting bids and who require additional information should contact James R. Doherty, Administrator/Clerk, Township of Wantage, Municipal Building, 888 Route 23, Wantage, New Jersey 07461.

- C. The Township does not warrant or certify title to the property and in no event shall the Township of Wantage 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 a later determination is made that title is defective, the Township shall not be responsible for the same and shall not be required to refund money or correct any defect in title or be held liable for damages.
- D. Acceptance of the offers made as set forth in Schedule A of the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- E. The deed of conveyance will be subject to all matters of record which may affect title herein, what an accurate survey may reveal, the Ordinance of the Township of Wantage and reserving an easement for all natural or constructed drainage systems or waterways on the premises and the continued right of maintenance and flow thereof.

BE IT FURTHER ORDAINED the title to be conveyed shall be by quitclaim deed that is the Township's conveyance is limited to any interest it has in the property.

Executed copies of this Ordinance shall be on file and shall be available for public inspection in the Office of the Township Clerk.

Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

This ordinance shall take effect after publication and passage according to law.

ATTEST:

William Gaechter, Mayor

James R. Doherty, Clerk/Administrator

SCHEDULE "A"

TOWNSHIP OWNED PROPERTIES

<u>Property Location</u>	<u>Block</u>	<u>Lot</u>	<u>Zone</u>
Unionville Road	33	7.02	R 5
183 Mt Salem Road	148	1.02	R 5
Quarry Road	30	4	R 5

The minimum bid price shall be \$500.00.

NOTICE is given that this ordinance amendment was introduced and passed upon first reading at a meeting of the Mayor and Township Committee of the Township of Wantage, in the County of Sussex, New Jersey, held on the 29th day of November, 2012. It will be further considered for final passage with the proposed ordinance after public hearing at a meeting of the Mayor and Township Committee to be held in the Wantage Township Municipal Building, 888 Route 23, Wantage, New Jersey 07461, on December 13, 2012, at 7:00 o'clock P.M., and copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

James R. Doherty, Clerk/Administrator