

AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF PROPERTY CONSISTING OF 7.641 ACRES AND KNOWN AS LOTS 36 AND 37 IN BLOCK 653 ON THE BRIDGEWATER TOWNSHIP TAX MAP AND LOCATED AT 1475 MOUNTAIN TOP ROAD, PURSUANT TO N.J.S.A. 40A: 12-13 (a)

WHEREAS, the Township is the fee simple owner of Lots 36 and 37 in Block 653 on the Bridgewater Township Tax Map, and located at 1475 Mountain Top Road and the Township wishes to sell such property which lots are not needed for public use (the “Property”); and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey that Lots 36 and 37 in Block 653 on the Bridgewater Township Tax Map, and located at 1475 Mountain Top Road is hereby offered for sale, subject to all restrictions and limitations of record or as may be found to exist on the property in accordance with N.J.S.A.40A: 12-13 (a) by open public sale.

SECTION I

Part A Existing Facts

1. The Township is the fee simple owner of Lots 36 and 37 in Block 653 on the Bridgewater Township Tax Map, and is located at 1475 Mountain Top Road.
2. The lots in question were acquired in a deed from the Al Falah Center on April 21, 2017 in exchange for a portion of property owned by the Township on Route 206 in settlement of litigation between Al Falah and the Township arising from the rezoning of the Property to limit its use for residential purposes.
3. The Property was recently approved by the Township Planning Board on September 8, 2020 for a seven (7) lot conforming residential subdivision utilizing the cluster subdivision design.
4. Lots 36 and 37 in Block 653 are not needed for public use.
5. There is no capital improvement existent on Lots 36 and 37 in Block 653.
6. The fair market value of Lots 36 and 37 in Block 653, as determined by the Township Tax Assessor is \$1,750,000.00.

Part B Sale Pursuant To N.J.S.A. 40A:12-13 (a)

7. Lots 36 and 37 in Block 653, pursuant to N.J.S.A. 40A:12-13 (a), is hereby offered for sale to the highest bidder, subject to the terms and conditions contained in the balance of this Part B, as set forth hereinbelow.

8. Pursuant to N.J.S.A. 40A:12-13 (a), "any such sale shall not be for less than the fair market value of said real property."
9. The minimum price for which Lots 36 and 37 in Block 653 shall be sold is \$1,750,000.00, which is the fair market value of the property as set forth in paragraph 6 above.
10. This offer of sale of Lots 36 and 37, Block 653 to the highest bidder shall be subject to the following:
 - a) This Ordinance and the Public Notice shall be posted on the Community Bulletin Board located on the first floor lobby of the Bridgewater Township Municipal Building located at 100 Commons Way, Bridgewater, New Jersey 08807.
 - b) The Notice shall be placed as an advertisement in a newspaper circulating in the Township in which Lots 36 and 37, Block 653 is situated, namely, the Courier News, by two (2) insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale.
 - c) Such Notice and Advertisement shall state i) that the Township reserves the right to reject all bids if the highest bid is not accepted ii) include all the conditions and restrictions set forth in paragraphs 12-15 hereinbelow.
11. Said offer shall be made for not less than the minimum price set forth in paragraph 9 above.
12. All bids submitted shall be accompanied by a deposit in the form of a certified check or bank check in the amount of 10% of the bid. The check shall be made payable to the Township and held in escrow. The Township shall make a decision as to whether to sell the Property to the highest bidder within ten days of the date established for receipt of all bids. Upon the making of that decision, all deposits of the unsuccessful bidders shall be returned to them. Upon the making of a decision to sell the Property, the highest bidder shall execute a contract, a copy of which shall be included in the bid package.
13. Pursuant to N.J.S.A. 40A:12-13(a), the Township reserves the right to reject all bids if the highest bid is not accepted.
14. The use or uses to be made of the property by the successful bidder shall be restricted to the subdivision plan entitled "Final Plat prepared for Block 653, Lots 36 & 37 situated in Bridgewater Township, Somerset County, New Jersey" prepared by Van Cleef Engineering Associates, LLC and dated December 11, 2018, last revised September 10, 2020 approved by the Township Planning Board on September 8, 2020.
15. The highest bid submitted, consistent with the terms of this Ordinance may be accepted by the Township and a closing of title shall occur within 30 days after the offer is accepted and a map filed with the Somerset County Clerk's Office confirming the subdivision referenced in paragraph 14 and a sewer extension permit is issued by NJDEP. Should a closing not occur within that time frame, for any reason, related directly or indirectly to the successful bidder, the Township shall have the right to terminate this

sale. In that eventuality, the Township shall have the right to either accept the next highest bid, assuming it is equal to or higher than the fair market value as set forth in paragraph 9 hereinabove or to reject all bids.

SECTION II

This Ordinance shall take effect upon final passage and publication according to law.

SECTION III

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Adopted: October 19, 2020
Effective: November 9, 2020