

ORDINANCE NO. 07-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE PRIVATE SALE OF CERTAIN BURLINGTON CITY OWNED PROPERTY PURSUANT TO N.J.S.A. 40A:12-13(b), BLOCK 66, LOT 72

WHEREAS, the City of Burlington (the “City”) is organized as a Mayor-Council form of government pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A; and

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the private sale of municipally owned real property no longer needed for public use to contiguous land owners where said property is vacant and unable to be developed separately pursuant to municipal zoning ordinances or otherwise qualifies for a private sale; and

WHEREAS, the City of Burlington has determined that certain City-owned property commonly known as 751 Charles Street, identified on the Tax Map as Block 66, Lot 72 (“the Property”), is a non-conforming lot and is not necessary for public use; and

WHEREAS, the Common Council of the City of Burlington has determined that said property would be of better value as a privately owned tax ratable; and

NOW THEREFORE BE IT ORDAINED, by the Common Council for the City of Burlington as follows:

SECTION 1. The real property commonly known as 751 Charles Street, identified on the Tax Map as Block 66, Lot 72 shall be advertised for private sale to contiguous land owners pursuant to requirements of N.J.S.A. 40A:12-13(b) at a minimum bid of \$5,000.00 which is not less than the fair market value of said real property.

SECTION 2. That notice of said private sale to contiguous property owners shall be published in a newspaper circulating in the municipality by one insertion within five (5) days of the adoption of this Ordinance.

SECTION 3. That a Notice of Sale shall be posted on the City bulletin board and website with a copy of same mailed to all contiguous property owners immediately following the date of the adoption of this Ordinance.

SECTION 4. A. The City shall accept offers/bids from contiguous property owners for a period of twenty (20) days from the date of newspaper advertisement. All bids must be received in a sealed envelope addressed to the City of Burlington, Attention Burlington City Clerk.

B. Said property is being offered for sale to contiguous property owners as either undersized, landlocked, or otherwise restricted lots unable to be separately developed with the condition that the City is issuing no representations or warranties as to the permissibility or advisability of the property’s use, including but not limited to sewer and water capacity availability to or for the property and of any limiting environmental conditions including the presence of wetlands. The successful bidder is solely responsible for obtaining any and all necessary local, county or state permits and/or approvals for use of the property or for constructing any

improvement on the property. The City makes no representation as to any previous use of the property and does not guarantee clear title to the property.

C. All bids shall be referred to the City Common Council for final review and approval which shall be by Resolution not later than at the second regular meeting of the Common Council of Burlington City following the sale.

D. The successful bidder shall be required to pay all conveyancing expenses including legal fees, advertising costs, deed preparation and recording fees and to provide at its own expense a title search, land survey no older than six months from the date of the offer/bid and legal description to the City for preparation of the Deed of Conveyance by the City.

E. The minimum purchase price for Block 66, Lot 72 is \$5,000.00 with all other conditions of sale as described herein.

F. A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the City. If, however, the City is unable to convey marketable title, the private sale shall be null and void and of no further effect. In addition, any deposit monies received pursuant to this bidding procedure shall be returned.

G. The confirmation of the sale by the Common Council shall be a complete acceptance of the bid and, thereafter, within thirty (30) days from said confirmation, settlement must be completed by the successful bidder. In the event the successful bidder defaults and fails to complete the settlement within the time period allowed, the City shall be entitled to rescind the prior approval, terminate all rights of the designated bidder and the down payment shall be forfeited to the City. Said time period may only be extended for good cause documented to and approved by the City.

H. A deposit not exceeding ten percent (10%) of the minimum bid price of the tract of land on which the bid is submitted shall be paid by the successful bidder in cash, cashier's check or certified check within seventy-two (72) hours of notification from the City that said party is the successful bidder. Failure to make the payment in the time period required will nullify said bid and the City will notify the next highest bidder, if any, of being the successful bidder.

I. The property being offered for sale is subject to existing liens, encumbrances, judgments, zoning regulations, easements, and any other regulations, which such facts would be revealed by a title report and an accurate survey which the City has not undertaken.

J. The purchaser shall be the responsible party to terminate any and all existing tenancies, and not limited to resolving all existing encroachment and title issues.

BE IT FURTHER ORDAINED all Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

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BE IT FURTHER ORDAINED if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

BE IT FURTHER ORDAINED this Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

Passed Common Council,

George Chachis, President
Common Council

Approved,

Barry W. Conaway, Mayor

ATTEST:

Cindy A. Crivaro, RMC
Municipal Clerk

Introduction: 03/19/24
Publication: 03/21/24
2nd & Final: 04/02/24
Publication: 04/04/24
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