

BOROUGH OF CLOSTER
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2023:1329

AN ORDINANCE AUTHORIZING SALE OF LAND
WITHOUT PUBLIC AUCTION PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of certain real property owned by a municipality where such real property is less than the minimum size required for development; and

WHEREAS, such sale opportunity is limited to the owners of property contiguous to the subject real property; and

WHEREAS, the Governing Body has determined that Borough owned property identified as Lot 30 in Block 2102, located on Venus Drive, containing approximately 1,132 square feet, as more particularly described in the property record card attached hereto as **Exhibit A** (“Subject Property”) meets the statutory criteria of N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Governing Body has determined that the Subject Property is not needed for public purposes except for an access easement; and

WHEREAS, the sale of the Subject Property is in the best interests of the Borough of Closter.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Closter as follows:

1. The Governing Body of the Borough of Closter shall offer the real property known as Lot 30, Block 2102 as more fully described in the property record card attached hereto as Exhibit A, for sale to the owners of the real property contiguous to the subject property, and located at on Venus Drive, Closter, New Jersey (“Contiguous Owners”), for the price of \$7,000.00.

2. At the time of closing the Borough shall deliver marketable title to the Subject property to the Contiguous Owner, with closing to occur within sixty (60) days of the acceptance of the offer of sale herein.

3. The Deed of Conveyance for said property shall contain the following restriction which shall be binding upon the heirs, successors and assigns of the Contiguous Owner as purchaser:

“THE WITHIN LANDS SHALL BE MERGED WITH THE LANDS COMMONLY KNOWN AS Venus Place, CLOSTER, NEW JERSEY, WHICH IS DESIGNATED ON THE TAX MAP OF THE BOROUGH OF CLOSTER AS LOT 30 IN BLOCK 2102, WHICH LANDS ARE OWNED BY THE GRANTEE HEREOF. SAID LANDS SHALL HEREAFTER NOT BE USED OR SUBDIVIDED IN ANY WAY EXCEPT AS PART OF A CONFORMING LOT BEING USED IN CONFORMANCE WITH THE USE AND BULK REGULATIONS SET FORTH IN THE CLOSTER LAND USE ORDINANCES AS MAY FROM TIME TO TIME BE AMENDED. THE BOROUGH OF CLOSTER SHALL RETAIN AN ACCESS EASEMENT FOR THE SUBJECT PROPERTY”

BE IT FURTHER ORDAINED that the Governing Body finds and determines, in accordance with N.J.S.A. 40A:12-13(b)(5) that the said purchase price set for this property, and including the limitation on the future use of the property in accordance with this Ordinance, is equal to or greater than the fair market value of the Subject Property.

The Governing Body retains the right, as mandated by statute, to reconsider this Ordinance not later than thirty (30) days from the date hereof.

A copy of this Ordinance shall be posted on the bulletin board of the Governing Body and published in the official newspaper of the Borough of Closter within five (5) days following the adoption hereof.

Written acceptance by a Contiguous Owner of the within offer of sale, together with the additional submissions and payments required in accordance with the terms and conditions of this Ordinance shall be made to the Clerk for the Borough of Closter within twenty (20) days following the adoption and advertisement of this Ordinance. The Borough Clerk is Stephanie Evans, RMC, CMR and the said acceptance, submissions and payment should be directed by personal delivery per certified mail to 295 Closter Dock Road, Closter, New Jersey 07624, not

later than twenty (20) days after the advertisement. Such written acceptance shall be accompanied by a certified or bank check in an amount of ten percent (10%) of the sale price (\$7,000.00) (“Deposit”), which check shall be made payable to the Borough of Closter.

Closing of title shall occur at the offices of Huntington Bailey, L.L.P., 373 Kinderkamack Road, Westwood, New Jersey 07675. Title to be conveyed shall be insurable by a New Jersey licensed title company at regular rates, however, conveyance at the Borough’s option, shall be by quit claim deed. If title is not acceptable to the Contiguous Owner, the transaction shall be deemed void, the Deposit shall be returned, and the Borough shall have no other responsibility.

As a condition of sale, the Contiguous Owner shall submit a survey, to be approved by the Borough Engineer, within thirty (30) days of submission of the acceptance and payment required hereunder to the Borough of Closter. The cost of the survey shall be the sole responsibility of the purchaser. The Contiguous Owner shall also be responsible for all engineering fees, legal fees, costs and expenses relating to the sale of the subject property.

As a further condition of the sale, the Contiguous Owner shall file the Deed of Conveyance with the County, and all filing costs shall be the sole responsibility of the Contiguous Owner.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

This Ordinance shall take effect upon final passage and publication in accordance with law.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai						
Councilwoman Chung						
Councilman Devlin						
Councilwoman Latner						
Councilwoman Witko						
Councilman Yammarino						

Introduced: November 20, 2023

Adopted: December 13, 2023

ATTEST:

APPROVED BY:

Stephanie Evans, Borough Clerk

John C. Glidden, Mayor

Certified to be a true copy of Ordinance adopted by the Mayor and Council of Borough of Closter at the Regular Meeting held on December 13, 2023.

Stephanie Evans, Borough Clerk