

**BOROUGH OF EDGEWATER
ORDINANCE 2023-011**

**AN ORDINANCE OF THE BOROUGH OF EDGEWATER
AUTHORIZING THE PRIVATE SALE OF CERTAIN
MUNICIPAL PROPERTY OWNED BY THE BOROUGH OF
EDGEWATER NOT REQUIRED FOR PUBLIC PURPOSES
PURSUANT TO N.J.S.A. 40a:12-13(b)(5)**

WHEREAS the Local Lands and Buildings Law, N.J.S.A.40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b), the Borough of Edgewater may sell property to the owner of real property contiguous to the real property owned by the Borough of Edgewater; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS the Borough of Edgewater is the owner of certain real property not needed for public use, and the Mayor and Council have determined that it is in the best interest of the Borough to sell the same; and

WHEREAS the Borough of Edgewater is the owner of lot 3.04 in Block 24.02 ("Borough Property") which property is not required for municipal use; and

WHEREAS JBM Realty Management, LLC ("JBM Property") is the owner of property located at lots 3.02.1 and 3.02.2 in Block 24.02 in the Borough of Edgewater which is contiguous to the Borough Property; and;

WHEREAS JBM Realty Management, LLC has requested that the Borough of Edgewater convey part of the Borough Property to JBM Realty Management, LLC to merge with the JBM Property; and

WHEREAS the Mayor and Council deem it in the best interest of the Borough of Edgewater to sell the property to JBM Realty Management, LLC at private sale, in accordance with the provisions of N.J.S.A. 40A:12-13, et seq.; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council as follows:

I. The Borough of Edgewater shall convey to JBM Realty Management, LLC, the property listed on Schedule "A". The sale of the Borough Property is pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5), et seq. The property

shall be sold for the amount of Fifty Thousand (\$50,000.00) Dollars. The sale is conditioned upon the property being sold merging with the contiguous property owner's existing property. The properties being sold are without any improvements and the sale is conditioned upon no further subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such conveyed property.

2. Upon final passage of this Ordinance, the sale shall take place upon a time mutually convenient between the parties but no later than 30 days after final adoption of this Resolution.

3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough of Edgewater Municipal Building. Notice of adoption of this Ordinance shall be made in the official Township newspaper within five (5) days following the enactment of the Ordinance.

4. The property shall be sold subject to the following terms and conditions:

(a) The property is sold "as is". No representations of any kind are made by the Borough as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The property is being sold in the present "as is", "where is", with all faults.

(b) The sale shall be made to the contiguous property owner and such property shall merge with the property being sold and become part of the contiguous property owned by the contiguous owner.

(c) The Borough does not warrant or certify title to the property and in no event shall the Borough of Edgewater be liable for any damages to the purchaser if title is found unmarketable for any reason and the purchaser waives any and all right in damages or by way of liens against the Borough. It shall be the obligation of the purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) The purchaser must pay for the legal services incurred by the Township; (2) the Borough of Edgewater 's advertising and the actual recording fees; (3) all costs and expenses for the sale including, but not limited to, the appraisal costs incurred by the Township, if any; and (4) realty transfer fees, if any. Payment of the purchase price shall be paid by certified funds. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Township Attorney and, after execution by the Township Officials, shall be recorded with the Bergen County Clerk's Office by the Township Attorney. Additional work performed by the Township Attorney beyond the standard preparation of the sale resolutions, notice of sale, Deed and closing statement shall be billed at the rate charged by the Township Attorney and

shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

(e) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Edgewater.

(f) The Property 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 Property to be conveyed.

(g) The property will be sold subject to the current year taxes, prorated from the date of sale.

(h) The Mayor and Council reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(i) This same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Borough of Edgewater.

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

5. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

Introduced Date: August 21, 2023

Adopted Date: September 18, 2023

ATTEST:

ANNAMARIE O'CONNOR, RMC

MICHAEL MCPARTLAND, MAYOR