

**CITY OF LONG BRANCH
COUNTY OF MONMOUTH**

ORDINANCE NO. O-05-24

**AN ORDINANCE AUTHORIZING THE SALE OF ONE (1) PROPERTY ON COTTAGE
PLACE KNOWN AS BLOCK 148, LOT 10**

SUMMARY

This Ordinance authorizes the City of Long Branch to sell vacant property.

WHEREAS, pursuant to N.J.S.A. 40A:12-13, a municipality may sell any real property, or interests therein, not needed for public use by ordinance; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) specifically permits the sale of a municipally owned property to the highest bidder from amongst owners of properties contiguous with said property, for not less than the fair market value of said property, so long as the property being sold is less than the minimum size required for development under the municipal zoning ordinance and the property being sold is without any capital improvement; and

WHEREAS, the City of Long Branch (hereinafter referred to as "City") is the owner of one parcel at 40 Cottage Place, Long Branch, New Jersey designated on the Official Tax Map at Block 148, Lot 10; and

WHEREAS, the subject property is a vacant parcel, within the R-6, zoning area; and

WHEREAS, the subject property contains less than the minimum size required for development under the municipal zoning ordinance and does not consist of any capital improvements; and

WHEREAS, the subject property is not needed for public usage; and

WHEREAS, the fair market value of the subject property has been determined by Appraisers, Gagliano & Company to be One Thousand Dollars (\$1,000.00); and

WHEREAS, there are two (2) properties contiguous to Block 148, Lot 10, identified as Block 148, Lot 6 and Block 148, Lot 7.04; and

WHEREAS, after analysis and review, the City has determined that the parcel meets the specific requirements of N.J.S.A. 40A:12-13(b)(5) for sale and conveyance; and

WHEREAS, the City Council shall authorize the sale of Block 148, Lot 10 to the highest bidder amongst the contiguous property owners for its fair market value.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Long Branch, County of Monmouth, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the City of Long Branch hereby authorizes the sale of City Property known as 40 Cottage Place, Block 148, Lot 10, subject to the following minimum conditions:
 - a. The subject property shall be auctioned and sold only to the owner of a property contiguous to the subject property namely:
 - i. Block 148, Lot 6
 - ii. Block 148, Lot 7.04
 - b. The subject property shall be sold to the highest bidder from among the contiguous property owners, namely:
 - i. Block 148, Lot 6
 - ii. Block 148, Lot 7.04
 - c. The minimum bid price for the property shall be One Thousand Dollars (\$1,000.00).
 - d. As a condition of the sale, the City property known as Block 148, Lot 10, shall be merged with the contiguous property and shall be deed restricted from further subdivision.
 - e. The subject property shall be sold “as is” and subject to any and all easements, grants and restrictions of record including but not limited to rights and interests of utility companies and/or the public and to the public right of way.
2. Within five (5) days of the adoption of this Ordinance, notice of the property authorized for sale shall be delivered to the contiguous property owners, posted conspicuously in the City Hall and advertised in a newspaper circulated within the City of Long Branch.
3. Offers for the property ay be made to the governing body no later than twenty-five (25) days following the date of adoption of this Ordinance. Offers shall be submitted to the City Clerk, Heather Capone, 344 Broadway, Long Branch, New Jersey 07740.

BE IT FURTHER ORDAINED, if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage and publication in accordance with the law.

Introduced: : January 24, 2024

Adopted: February 14, 2024


MOVED: Vieira
SECONDED: Widdis

AYES: 4
NAYS: 0
ABSENT: 1 (Celli)
ABSTAIN: 0

Date: 2/14/24


Heather Capone, RMC
City Clerk

Date: 2/14/24


John Pallone
Mayor