

# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No. O-06-24

### AN ORDINANCE AUTHORIZING THE SALE OF ONE (1) PROPERTY ON LAWRENCE STREET KNOWN AS BLOCK 331, LOT 28

**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 Rahway (hereinafter referred to as "City") is the owner of one parcel on Lawrence Street, Rahway, New Jersey designated on the Official Tax Map at Block 331, Lot 28; and

**WHEREAS**, the subject property is a vacant parcel, within the R-2, 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, McNerney & Associates, Inc., to be \$18,500.00; and

**WHEREAS**, there are three (3) properties contiguous to Block 331, Lot 28, identified as (i) Block 304.01, Lot 18.01; (ii) Block 331, Lot 27; and (iii) Block 331, Lot 29; 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 331, Lot 28 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 Rahway, County of Union, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the City of Rahway hereby authorizes the sale of City Property on Lawrence Street known as Block 331, Lot 28, 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 304.01, Lot 18.01
    - ii. Block 331, Lot 27

- iii. Block 331, Lot 29
  - b. The subject property shall be sold to the highest bidder from among the contiguous property owners, namely:
    - i. Block 304.01, Lot 18.01
    - ii. Block 331, Lot 27
    - iii. Block 31, Lot 29
  - c. The minimum bid price for the property shall be Eighteen Thousand Five Hundred Dollars (\$18,500.00).
  - d. As a condition of the sale, the City property known as Block 331, Lot 28, 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 Rahway.
  3. Offers for the property any 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, Jeffrey Jotz, 1 City Hall Plaza, Rahway, New Jersey 07065.

**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.

**MOTION:** Parson      **SECOND:** Mojica  
**YES:** Councilmembers Brooks, Gibilisco, Miles,  
 Mojica, Newbury, Parker, Timmons, Parson  
**NO:** None  
**ABSTAIN:** None  
**ABSENT:** Brown

**INTRODUCTION:** February 12, 2024  
**ADOPTION:** March 11, 2024

  
 Vannie D. Parson, Council President

  
 APPROVAL Raymond A. Giacobbe, Mayor

  
 ATTEST Heather Capone, City Clerk