

**ORDINANCE 2005-05**

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF BLOCK 142A, LOT 18 TO LORRISA REALTY, INC.**

**WHEREAS**, the Township of Hillsborough is the owner of the property shown as Block 142A, Lot 18 on the Tax Map of the Township of Hillsborough (“Property”); and

**WHEREAS**, the Property is located at the corner of U.S. Route 206 and Park Avenue and consists of .145 acres; and

**WHEREAS**, the Property is adjacent to Block 142A, Lot 17A on the other two (2) sides; and

**WHEREAS**, the Property has not been used by the Township for any purpose; and

**WHEREAS**, notwithstanding that the Township does not use the Property, the Township’s Department of Public Works must maintain the Property; and

**WHEREAS**, the owner of Block 142A, Lot 17A, Lorrissa Realty, Inc., approached the Township seeking to acquire the Property; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., allows the sale of municipally owned land at a private sale, instead of an auction, in certain circumstances. N.J.S.A. 40A:12-13 (b) (5) provides in part that:

A sale to the owner of the real property contiguous to the real property being sold; 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; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any such sale shall be for not less than the fair market value of said real property.

**WHEREAS**, the Township Committee of the Township of Hillsborough is of the opinion that the circumstances required by N.J.S.A. 40A:12-13 (b) (5) are present; namely the Property is less than the two (2) acre minimum size required for development in the I-1, Light Industrial District, is without any capital improvement and there is only one (1) owner with real property contiguous to the Property; and

**WHEREAS**, N.J.S.A. 40A:12-13 (b) (5) also provides that when the municipality owned property is less than an eighth of the minimum size required for development, the property may be sold by the parties arriving at a negotiated sum:

When there is only one owner with real property contiguous to the property being sold, and the property is less than an eighth of the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, the fair market value of that property may be determined by negotiation between the local unit and the owner of the contiguous real property. The negotiated sum shall be subject to approval by resolution of the governing body, but in no case shall that sum be less than one dollar.

**WHEREAS**, the Township, in order to establish the fair market value of the Property, retained Robert McNeely Vance & Co., to perform an appraisal; and

**WHEREAS**, Robert McNeely Vance & Co., prepared an appraisal with a valuation date of November 15, 2004 and a value of \$13,000.00; and

**WHEREAS**, Lorrisa Realty, Inc. offered to purchase the Property for \$13,000.00 the appraised value; and

**WHEREAS**, the Township Committee is of the opinion that the Property is surplus property and not useful to the Township; and

**WHEREAS**, the Township is of the opinion that the sale of the Property is beneficial to the health, safety and welfare of the residents of the Township because the Property is surplus property and not useful to the Township, is a burden to the Township because it requires the expenditure of scarce public resources and does not generate any real estate tax revenue; and

**WHEREAS**, the Township is desirous of selling the Property at a private sale to Lorrisa Realty, Inc. for the sum of \$13,000.00 provided certain conditions be met.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, that the Property be sold at a private sale to Lorrisa Realty, Inc. for the sum of \$13,000.00 on the following conditions:

1. That the Township Attorney is hereby authorized to prepare the necessary contract for sale of real estate and closing documents to convey the Property and attend the closing.
2. That the Mayor and Clerk are hereby authorized to sign the contract for real estate and the necessary closing documents.
3. That the Property is sold "as is."
4. That at closing, Lorrisa Realty, Inc. dedicate in fee to the Township an area consisting of 2,083 square feet along Park Avenue as shown on a parcel map prepared by the New Jersey Department of Transportation, Parcels 171A and AE171B, dated October, 1999.
5. That at closing, Lorrisa Realty, Inc. dedicate in fee to the State of New Jersey an area consisting of 804 square feet along U.S. Route 206 as shown on a parcel map prepared by the New Jersey Department of Transportation, Parcels 171A and AE171B, dated October, 1999.
6. That at closing, Lorrisa Realty, Inc. grant the State of New Jersey a slope easement consisting of 145 square feet as shown on a parcel map prepared by the New Jersey Department of Transportation, Parcels 171A and AE171B, dated October, 1999.

7. That at closing, Lorrisa Realty, Inc. will grant any necessary utility easements to the entity with jurisdiction over said utility.fr
8. This Ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

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Kevin P. Davis, RMC, Township Clerk

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Robert C. Wagner, Jr., Mayor

*Introduced:*  
*Published:*  
*Public Hearing:*  
*Adopted:*  
*Published:*