

ORDINANCE 2005-15

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF BLOCK 141, LOT 9 TO QUICK CHEK FOOD STORES, INC., AND/OR JOZSEF TRASZER

WHEREAS, the Township of Hillsborough is the owner of that triangular property shown as Block 141, Lot 9 on the Tax Map of the Township of Hillsborough (“Property”); and

WHEREAS, the Property is located at the corner of Opie and Falcon Roads and consists of approximately 0.657 acres; and

WHEREAS, the Property is on one (1) side adjacent to Block 141, Lot 16 and on the other two (2) sides to Opie and Falcon Roads; 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, Township’s Department of Public Works must maintain the Property and creates unnecessary liability exposure to the Township; and

WHEREAS, the contract purchaser of Block 141, Lot 16, Quick Chek Food Stores, Inc., and/or Jozsef Traszer 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 a 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 0-2, Office District, is without any capital improvement and there is only one (1) owner with real property contiguous to the Property; and

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 January 10, 2005 and a value of \$100,000.00; and

WHEREAS, Quick Chek Food Stores, Inc. and/or Jozsef Traszer offered to purchase the Property for \$100,000.00, the appraised value; 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 Quick Chek Food Stores, Inc., and/or Jozsef Traszer for the sum of \$100,000.00 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 Quick Chek Food Stores, Inc., and/or Jozsef Traszer for the sum of \$100,000.00 of the following conditions:

1. That the Township Attorney is hereby authorized to prepare the necessary closing documents to convey the property and attend the closing.
2. That the Mayor and Clerk are hereby authorized to sign the necessary closing documents.
3. That the Property is sold “as is” and “where as” without any representations and warranties.
4. That the Property is sold subject to the existing sight triangle easement, utility easement and drainage easement.
5. That the former Falcon Road right-of-way be vacated by the Township of Hillsborough.
6. That at closing, Quick Chek Food Stores, Inc., and/or Jozsef Traszer dedicate in fee to the Township, County of Somerset or State of New Jersey any right-of-way required by those governmental entities.
7. This Ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Kevin P. Davis, RMC, Township Clerk

Robert C. Wagner, Jr., Mayor

Introduced:

Published:

Public Hearing:

Adopted: May 24, 2005

Published: