

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2014-3-5**

**ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED LAND NOT
NEEDED FOR PUBLIC USE**

WHEREAS, certain vacant land as described hereafter more particularly as owned by the Township of Hainesport but not needed for public use, and said municipality desires to sell said land by private sale in accordance with N.J.S.A. 40A:12-12(b) and 40A:12-13.2; and

WHEREAS, the property has become problematic since it lacks adequate storm drainage, accumulates debris, and otherwise presents a problem to surrounding properties and residents; and

WHEREAS, the governing body hereby determines that the said land is less than the minimum size required for development under the Land Use Ordinances, and without any capital improvements thereon, and may therefore be offered for purchase to the owners of real property contiguous thereto on the basis of first refusal pursuant to N.J.S.A. 12-13.2;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hainesport, County of Burlington, that:

(1) The Township Clerk is authorized, subject to the terms and conditions hereafter set forth, to offer for private sale pursuant to N.J.S.A. 40A:12-13(b) all of the Township's right, title and interest in certain land at fair market value thereof, to the owner or owners of real property contiguous thereto, said single parcel of land being described on the attached List, which has been labeled "Legal Description."

(2) This Ordinance shall be published twice in a newspaper approved for legal publications, once not less than seven (7) days prior to the public hearing thereof in accordance with law applicable to the adoption of ordinances generally, and a second time within five (5) days after adoption hereof, at which time it shall also be posted on the bulletin board in the Municipal Building of the Township of Hainesport and remain so posted for at least twenty (20) days thereafter. Sworn proof of such publication shall be filed by the Township Clerk with the Director of the State Division of Local Government Services in the Department of Community Affairs.

(3) Offers by such contiguous owner(s) to purchase the said contiguous parcel may be made in writing addressed to the Township Clerk, Township of Hainesport, One Hainesport Centre, Hainesport NJ 08036, for a period of twenty (20) days following the second advertisement hereof. The Township reserves the right to reject all bids in each instance where the highest bid is not accepted, and to re-advertise the parcel concerned for public sale following reconsideration within thirty (30) days of the date of adoption of this ordinance.

(4) In the event that more than one bid is received for the parcel from multiple contiguous owners thereof, only the highest such bid will be considered for acceptance or rejection.

(5) The conveyance of any such parcel to any successful bidder shall be for the total parcel without the subdivision of or sale of a portion thereof, shall be by standard municipal Bargain and Sale Deed without covenants of the Grantor, subject to any statement or facts which an accurate survey would show, subject to all covenants, conditions, easements, liens and restrictions of record, as well as applicable ordinances of the Township of Hainesport shall be without obligation of the Township of Hainesport to provide access, public private, or any improvements thereon or thereto, with all sales being "as is" without any representation whatever as to character, quality or condition or otherwise, bidder being deemed to have inspected the premises bid upon and waived any objections to the conditions thereon.

(6) The parcel to be conveyed shall be deemed to merge and become one parcel for all purposes, including taxation and land use control, with the adjacent parcel owned by the successful bidder. In the event the successful bidder is the owner of more than one adjacent lot, the successful bidder shall be entitled to designate which of the adjacent parcels shall be consolidated with the subject property.

(7) The acceptance of any bid by the Township shall be subject to receipt within ten (10) days of such acceptance of a certified deposit check of the bidder (or cashier's check) in the amount of ten percent (10%) of the accepted bid price, which shall be non-refundable, the balance to be paid not later than ninety (90) days from the date of bid, again by certified or cashier's check, at which time title shall be conveyed to bidder by the Township and the Deed delivered therefore by the Township. Concurrently, with payment of the ten percent (10%) deposit, bidder shall execute an agreement to accept the terms and conditions of sale set forth herein on a form to be prescribed by the Township. The Township and successful bidder may mutually agree to extend said dates. The terms of said agreement shall include the following, which shall be done to the satisfaction of the applicable Township Engineer or designated professional:

- A. The installation of adequate pipes and catch basins to allow satisfactory drainage patterns of existing property owners, both through the catch basin system and directly to the existing drainage ditch (Haines Alley) in a manner satisfactory to the Township Engineer or designated professional.
- B. The professional clearing away and cleaning of the existing ditch of all vegetation, tree stumps, and debris in a manner satisfactory to the Township Engineer or designated professional.
- C. The payment to the Township for all costs pertaining to this ordinance and its attendant duties, including fees of the Township Engineer and Attorney, costs of applicable surveying, construction monitoring, publication costs, and permit fees. Said costs not to exceed the sum of \$20,000.00.

It is noted that the sale for the land alone shall not be for less than fair market value, which the Township has determined to be the sum of \$500.00.

(8) In the event the bidder should for any reason not pay the balance due as above provided, the Township reserves the right to cancel the sale and retain the ten percent (10%) deposit as liquidated damages for non-performance. The sale is subject to the buyer's review of existing

title and the ability to accept or reject same in its sole discretion. In the event title is not insurable by the bidder at prevailing rates by a reputable title insurance company, bidder's sole remedy shall be to give written notice of cancellation of the bid to the Township within ninety (90) days of the date of bid. The Township shall refund the deposit, and there shall be no further obligation by either party to the other respecting said bid any obligations created by the giving or acceptance of said bid.

(9) All ordinance or provisions thereof conflicting or inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict or inconsistency.

(10) If any section or provision of this ordinance shall be adjudged invalid, such determination shall not affect the remaining provisions hereof, which shall remain in full force and effect.

(11) This ordinance shall take effect after adoption and final publication in accordance with law.

Legal Description

All that certain parcel of land situate in Hainesport Township, County of Burlington, State of New Jersey, described as follows:

Beginning at a concrete monument found in the northeasterly line of Washington Street (50 feet wide), said point being the southwesterly corner of Lot 3, Block 80, as shown on the official tax map for Hainesport Township; thence

1) Along the northeasterly line of Washington Street, S 12 degrees 45 minutes 00 seconds W, a distance of 10.69 feet; thence

2) Along the division line of the southeasterly line of Haines Alley (10 feet wide) and Lots 1, 2, 3, 4, and 5, Block 81, N 80 degrees 15 minutes 00 seconds E, a distance of 251.20 feet; thence

3) Crossing Haines Alley, N 09 degrees 45 minutes 00 seconds W, a distance of 10.00 feet; thence

4) Along the division line of the northwesterly line of Haines Alley and Lot 3, Block 80, S 80 degrees 15 minutes 00 seconds W, a distance of 247.06 feet to the point of beginning.

Being known as that part of Haines Alley lying between Lot 3, Block 80 and Lots 1, 2, 3, 4, and 5, Block 81, as shown on the official tax map for Hainesport Township. No actual lot reference exists for the property itself.

NOTICE OF PUBLIC HEARING

HAINESPORT TOWNSHIP ORDINANCE NO. 2014-3-5

ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED LAND NOT NEEDED FOR PUBLIC USE

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on May 13, 2014. It will be further considered for final passage after a public hearing at the regular meeting to be held on June 10, 2014 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Leo Selb, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto	X		X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan			X			

NOTICE OF FINAL PASSAGE

**HAINESPORT TOWNSHIP
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**ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED LAND NOT
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Notice is hereby given that Ordinance 2014-3-5 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on June 10, 2014. Said Ordinance shall take effect in accordance with law.

ATTEST:

Dated: _____

Leo F. Selb, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

William Boettcher
Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto	X		X			
Fitzpatrick			X			
Dickinson		X	X			
MacLachlan						X

Introduced: May 13, 2014
First Publication: May 16, 2014
Adoption: June 10, 2014
Final Publication: June 13, 2014