

ORDINANCE 12-2024

**TOWNSHIP OF ABERDEEN
COUNTY OF MONMOUTH**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN TOWNSHIP
OWNED REAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

SUMMARY

This Ordinance authorizes the Township of Aberdeen to sell vacant property.

WHEREAS, the Local Lands and Building Laws, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Township of Aberdeen (the “Township”) is the owner of certain real property as further set forth herein not needed for public use, and the Mayor and Township Council have determined that it is in the best interest of the Township to sell the same for the purpose of generating revenue and taxes, and reducing liabilities.

WHEREAS, the Township is the owner of the properties as shown on the attached Schedule A (the “Properties”); and

WHEREAS, the Township is of the opinion that the sale of the Properties is beneficial to the health, safety, and welfare of the residents of the Township because said Properties are not needed for public use, require expenditure of scarce public resources, and do not generate any real estate tax revenue; and

WHEREAS, the fair market value of the Properties have been determined as shown on Schedule A; and

WHEREAS, after analysis and review, the Township has determined that the Properties meets the specific requirements of N.J.S.A. 40A:12-13 for sale and conveyance; and

WHEREAS, the Township Council shall authorize the sale of the properties in Schedule A to the highest bidder for its fair market value.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Aberdeen, County of Monmouth, State of New Jersey, as follows:

SECTION 1. All the foregoing recitals are incorporated herein.

SECTION 2. Pursuant to N.J.S.A. 40A:12-13, the Township of Aberdeen hereby authorizes the sale of the properties in Schedule A.

SECTION 3. The Township will execute a Quitclaim Deed mutually acceptable in form and substance to both parties.

SECTION 4. The Purchaser, at its sole expense, shall have a right to conduct environmental and other inspections of the property with results satisfactory to Purchase and its lender but must complete such inspections within thirty (30) days of bid acceptance.

SECTION 5. The Purchaser shall obtain a survey of the entire tract, which said survey will be at Purchaser's sole expense, in form and substance satisfactory to the Township and the Purchaser; and said survey shall be certified to the Township.

SECTION 6. The Purchaser's receipt of a title commitment, which title commitment shall be at Purchaser's sole expense, with respect to the property, to be obtained, stating that Seller has good, indefeasible and marketable fee simple title to the property, free and clear of all liens and encumbrances except such matters as may be acceptable to Purchaser.

SECTION 7. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

SECTION 8. This sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Mayor and Township Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements or personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

SECTION 9. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Aberdeen.

SECTION 10. That should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the Purchaser of the deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim must be served on the Township Clerk, by the Purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Council, failure upon the part of the Purchaser to give written notice within said time shall be deemed conclusive proof that the Purchaser accepts the title in its present condition.

SECTION 11. In addition to the terms and conditions set forth herein, successful bidders agree that the Township may impose the following conditions:

- i. To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.

- ii. To pay by the time of closing:
 - a. The balance of the purchase price.
 - b. The cost of preparation of all legal documents including any special property description.
 - c. The prorated real estate taxes, for the balance of the current year as of the date of closing.
- iii. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from these regulations.
- iv. That in the event Purchase fails to close title, Purchaser shall forfeit to the Township of Aberdeen any and all money deposited with the Township.
- v. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

SECTION 12. The Township reserves the right to withdraw the offer of sale and reject any and all bids.

SECTION 13. All sales are subject to final approval by the Township Council. Parties interested in submitting bids and who require additional information should contact:

Ronald H. Gordon, Esq.
Attorneys for the Township of Aberdeen
555 U.S. Route One South, Suite 440
Iselin, New Jersey 08830

SECTION 14. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 15. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 16. The Mayor, Township Manager, Township Clerk, and Township Attorney are hereby authorized to execute all documents necessary for the conduct of this auction and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds and other conveyance documents.

SECTION 17. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

SCHEDULE A

Block/Lot	Lot Size	Physical Address	Contiguous owners	Minimum Value
120/7	8x96	Wilson Avenue	120/6, 120/8, 120/9.01	\$3,100
133/23	22x544	25 Sutphin Avenue	133/24, 133/24.02, 133/24.01, 119.01/20.03, 119.01/20.02, 119.01/20.01	\$3,100
138/4	25x100	129 Charles Street	138/3, 147/1	\$9,500
138/10	50x100	132 Anna Avenue	138/3	\$19,000
145/2	75x100	409 Arion Court	145/1, 145/3, 145/7, 145/8	\$51,800
229/1	2.27 Acres	Highway 35	229/6, 229/2.01	\$141,400
230/1	2.936 Acres	20 Highway 35	230/2	\$184,100
347/43	38x96	69 Wayside Drive	347/42, 347/44	\$25,700
306/8	25x100	185 Orchard Avenue	306/9, 306/7	\$17,300
306/10	50x100	181 Orchard Avenue	306/11.01, 306/9	\$111,300
304/8	25x207	159 Raritan Street, Aberdeen	304/9, 304/7	\$21,900

Introduced: March 7, 2024

Adopted: March 21, 2024

ATTEST:

Melissa Pfeifer, Municipal Clerk

Fred Tagliarini, Mayor