

## ORDINANCE 2128

### AN ORDINANCE AUTHORIZING SALE OF PROPERTY KNOWN AS BLOCK 362, LOT 3 OF THE BOROUGH OF SOUTH PLAINFIELD.

**WHEREAS**, the Borough of South Plainfield is the owner of Block 362, Lot 3 located on Kenneth Avenue (hereinafter the "Property"); and

**WHEREAS**, the Property is vacant and measures 75 feet by 100 feet; and

**WHEREAS**, the Property is no longer used by the Borough for any purpose; and

**WHEREAS**, the Property is undersized because it is less than the minimum width and size for development in the R-10 Zone; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., allows the sale of municipally-owned properties at a private sale under certain circumstance (N.J.S.A. 40A:12-13(b)(5)) or at public auction; and

**WHEREAS**, the Borough Council is of the opinion that the criteria set forth in N.J.S.A. 40A:12-13(b)(5) are present, namely that the Property is less than the minimum width and size required for development in the R-10 Zone and is without capital improvements, and there are two owners with real property contiguous to the Property so that the Property shall be offered to the contiguous property owners and sold to whichever may be the highest bidder; and

**WHEREAS**, the Borough has had an appraisal performed by Sterling DiSanto & Associates and determined the fair market value of the Property to be \$120,000.00; and

**WHEREAS**, the Borough Council is of the opinion that the Property is a remnant lot what is no longer useful to the Borough; and

**WHEREAS**, the Borough Council is of the opinion that the sale of the Property is beneficial to the health, safety and welfare of the residents of the Borough because said Property is a remnant lot that is not useful to the Borough and requires expenditure of scarce public resources and does not generate any real estate tax revenue;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey as follows:

1. The Borough Council hereby authorizes the sale of the Property to the highest bidder between the owners of the contiguous properties at a minimum price of \$120,000.00;
2. Pursuant to N.J.S.A. 40A:12-13(b), the Borough Clerk shall advertise the sale of this Property in the official newspaper of the Borough within five days following enactment of this Ordinance;
3. The Borough Clerk shall post a description of the Property to be sold pursuant to this Ordinance, together with minimum price within the Borough Municipal Building;

4. The Borough Attorney shall transmit to the owners of the contiguous properties notice of the Borough's intention to sell;

5. Offers for the Property shall be made to the Borough Clerk for a period of 20 days following the advertisement herein required, at no less than the minimum price set forth in this Ordinance, by either of the contiguous property owners;

6. In the event neither contiguous property owner offers to purchase the Property, or does not offer the minimum price required, the Property may be sold at public auction on a date and time to be set by resolution of the Borough Council;

7. The Property will be sold "as is" and "whereas" without representations or warranties, and subject to existing restrictions of record. The Property shall be conveyed by quit claim deed;

8. The Borough reserves the right to reject all bids in its sole discretion; and

9. The Borough Attorney is hereby authorized to prepare the necessary closing documents to convey the Property to the highest bidder, and the Mayor and Borough Clerk are hereby authorized to sign all necessary closing documents.

This Ordinance shall take effect immediately after adoption and publication according to law.