

ORDINANCE 2215

AN ORDINANCE OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF PROPERTY KNOWN AS LOT 2.05 IN BLOCK 397 NO LONGER NEEDED FOR PUBLIC USE.

WHEREAS, the Borough of South Plainfield is the owner of Lot 2.05 in Block 397 on the Borough Tax Map (referred to hereinafter as the "Property"), which is located on Jackson Avenue in the Borough and is a 50 foot by 100 foot tract of vacant land; and

WHEREAS, the Property is located in an R-10 zone which requires a 100 foot lot width and 10,000 square foot minimum lot size and, therefore, the property is less than the minimum size required for development and has no capital improvements; and

WHEREAS, the Property is not needed by the Borough for any purpose; and

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

A sale to the owners 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 where 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 sale shall be for not less than the fair market value of said real property; and

WHEREAS, the Mayor and Council are of the opinion that the criteria set forth in N.J.S.A. 40A:12-13(b)(5) are present, namely: the Property is less than the minimum size required for development in its zone district and without any capital improvements; and

WHEREAS, the Borough will require that it retain ownership of a 20 foot wide drainage easement on the Property; and

WHEREAS, the Borough has had an appraisal performed by Sterling DiSanto & Associates which has valued the Property at \$60,000.00 with the easement; and

WHEREAS, there are three owners of real property contiguous to the Property; and

WHEREAS, the Mayor and Council are of the opinion that the sale of the Property is beneficial to the welfare of the residents of the Borough as the Property is not useful to the

Borough and requires expenditure of public resources for maintenance 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 Mayor and Council hereby authorize the sale of the Property identified on Exhibit A attached hereto, such sale to be by auction among the contiguous property owners for a minimum price of \$60,000.00 with a 20 foot wide drainage easement to be retained by the Borough.

2. The contiguous property owners shall be notified that the Borough is authorizing the sale of the Property at the minimum price of \$60,000.00, subject to the 20 foot wide drainage easement, and such contiguous property owners shall be invited to make offers for the purchase of the Property.

3. The Property shall be sold to the highest bidding contiguous property owner for a price of no less than \$60,000.00, subject to the 20 foot wide drainage easement.

4. Pursuant to N.J.S.A. 40A:12-13(b), the Borough Clerk shall advertise the sale of the Property in the official newspapers of the Borough within five (5) days following enactment of the Ordinance.

5. The Borough Clerk shall transmit, via certified mail, a copy of this Ordinance to each owner of the contiguous properties who shall then have a period of 20 calendar days following the advertisement herein required to advise the Borough of their intention to purchase the Property.

6. In the event more than one contiguous property owner notifies the Borough of their interest in purchasing the Property, the Borough Clerk and Borough Attorney are authorized to conduct an auction among the contiguous property owners at a time and date to be set by the Borough Clerk and Borough Attorney and upon such terms as may be established by the Borough Clerk and Borough Attorney.

7. The Borough Attorney is hereby authorized to prepare the necessary closing documents to convey the Property to the highest bidding contiguous property owner.

8. The Mayor and Borough Clerk are hereby authorized to sign all necessary closing documents for the sale of the Property.

This Ordinance shall take effect and publication in accordance with New Jersey law.