



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-24-10

AUTHORIZING THE SALE OF BLOCK 101, LOT 3.02 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AT AUCTION PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Highlands is the owner of real property located near Mathews Street and known as Block 101, Lot 3.02 in the Borough of Highlands, County of Ocean, State of New Jersey (collectively the "Property"); and

WHEREAS, the Property is a remaining parcel that resulted from the subdivision of prior Block 101, Lot 3; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Borough to sell municipally owned real property not needed for public use at a private sale to the owner of real property contiguous to the real property being sold, and further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of the said real property; and

WHEREAS, the governing body of the Borough of Highlands has determined that the Property is not needed for public use, and the sale of the Property to the highest bidder is in the best interests of the Borough of Highlands; and

NOW THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. The Borough of Highlands is the owner of the following land located within the Borough of Highlands (hereinafter referred to as the "Property"):

Block 101, Lot 3.02 a parcel in the Borough of Highlands, New Jersey, which is located near Mathews Street (though lacking frontage on Mathews Street) and bounded by Block 101, Lot 2.01, Block 101, Lot 3.01, and Block 100, Lot 30.02, and subject to all easements and restrictions of record and not of record.

SECTION II. The following conditions for the sale of the Property apply:

- (a) The minimum bid for the Property shall be \$32,806.00.
- (b) Eligible bidders are those owners of property contiguous with the Property, or more specifically, the owners of either Block 101, Lot 2.01, or Block 100, Lot 30.02.
- (c) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all and not to award to the highest bidder. The Borough reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsive and responsive bid deemed to be in the best interest of the Borough.
- (d) The highest bidder will be the purchaser. Within 10 days of notice of acceptance of their bid, the highest bidder shall deposit cash, check, or money order in the amount of 10 percent of the bid price with the Borough Clerk. If the highest bidder fails to deposit such amount, the Borough may re-auction the Property.

(e) The successful bidder will execute a contract for the purchase of the Property upon completion of bidding and its payment of the required deposit.

(f) The sale of the Property shall be made subject to the terms, conditions, restrictions and limitations of a contract of sale, which shall include but not be limited to the following terms and conditions:

- 1) The Property is being sold in an "AS IS – WHERE IS" condition. The successful bidder is responsible for conducting any and all inspections, surveys, and testing of the Property at its own cost and expense.
- 2) The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
- 3) No representation is made by the Borough as to the utility, usability or environmental condition of the Property.
- 4) The Borough does not guarantee the construction of any road, water or sewer line, curb, gutter, sidewalk, drainage facility or other improvement or utility on, at or near the Property that is sold.

(g) Failure to close title within sixty (60) days of acceptance of the bid, unless such date is extended in the sole discretion of the Borough for good cause, shall forfeit to the Borough of Highlands any and all money deposited with the Borough.

(h) The Borough reserves the right to withdraw the offer of sale and reject any and all bids.

(i) It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the Property prior to the date of bid submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential bidders exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Borough of Highlands shall not be responsible for the costs associated with such searches in the event that a bid is rejected.

(j) Eligible bidders interested in submitting bids and who require additional information, should contact Michael Muscillo, Borough Administrator, 151 Navesink, Highlands, NJ 07732.

(k) Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

SECTION III. Notice of the Borough's intention to sell the Property, the minimum bid price therefor, and the method of bidding shall be published in a newspaper circulating in the Borough by two insertions at least once a week during two consecutive weeks. Said notice and a certified copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough offices. Any offer(s) for the Property may thereafter be made to the Borough Administrator for a period of twenty (20) days following the newspaper advertisement, for not less than the minimum price provided herein. If awarded, the contract shall be awarded to the highest bidder in excess of the minimum bid price for the Property.

SECTION IV. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

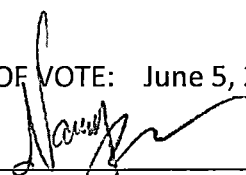
SECTION VI. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as provided by law.

First Reading and Set Hearing Date for O-24-10:

| | INTRODUCED | SECOND | AYE | NAY | ABSTAIN | ABSENT |
|-----------|------------|--------|-----|-----|---------|--------|
| CERVANTES | | | | | | X |
| CHELAK | | | X | | | |
| MELNYK | X | | X | | | |
| OLSZEWSKI | | | X | | | |
| BROULLON | | X | X | | | |

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: June 5, 2024


 Nancy Tran, Municipal Clerk
 Borough of Highlands

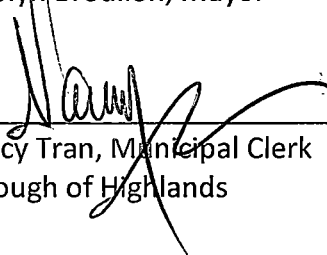
Public Hearing for O-24-10:

| | INTRODUCED | SECOND | AYE | NAY | ABSTAIN | ABSENT |
|-----------|------------|--------|-----|-----|---------|--------|
| CERVANTES | | | X | | | |
| CHELAK | | X | X | | | |
| MELNYK | X | | X | | | |
| OLSZEWSKI | | | | | | X |
| BROULLON | | | X | | | |

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: June 19, 2024


 Carolyn Broullon, Mayor


 Nancy Tran, Municipal Clerk
 Borough of Highlands

