

**AN ORDINANCE AUTHORIZING THE SALE OF 29 FAIRMONT ROAD, BLOCK 32002, LOT 76, and 22 OLIVE ROAD, BLOCK 32002, LOT 77, SPARTA, NEW JERSEY**

WHEREAS, the Township of Sparta is the owner of 29 Fairmont Road, Block 32002, Lot 76, and 22 Olive Road, Block 32002, Lot 77, Sparta, New Jersey, as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

WHEREAS, Thomas Savi and Susan Baker, the owners of the contiguous property located at 27 Fairmont Road have expressed an interest in purchasing 29 Fairmont Road and 22 Olive Road; and

WHEREAS, the lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements thereon; and

WHEREAS, the Township Council of the Township of Sparta has deemed it in the best interest of the Township of Sparta to sell the lots to the owners of the contiguous property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

WHEREAS, the contiguous owners have offered to purchase 29 Fairmont Road and 22 Olive Road as set forth in Schedule A for the sum set forth thereon; and

WHEREAS, the Municipal Assessor of the Township of Sparta has advised that the sum, taking into consideration all factors relative thereto, is fair and just;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta that:

1. The Township of Sparta shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the lots known as 29 Fairmont Road and 22 Olive Road to the contiguous property owners, Thomas Savi and Susan Baker, for the amount as set forth in Schedule A attached hereto, subject to the right of other interested parties to offer an amount in excess of the amount offered as set forth in Schedule A. Pursuant to the provisions of the statutes, this conveyance shall be to an owner of adjoining property as the properties to be sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement thereon. The minimum sale price for the properties is as set forth in Schedule A, which sum is not less than the fair market value of the real property.
2. Upon final passage of this Ordinance as required by N.J.S.A. 40A:12-13(b)(5) the list containing the properties being sold and the proposed sale price shall be published within five (5) days of adoption in the Township's official newspaper and this Ordinance shall also be posted on the bulletin board at the Municipal Building or other conspicuous space at the Municipal Building. Offers for the properties being sold may be made to the Township Council or its designee for a period of twenty (20) days following the advertisement, at not less than the minimum price.
3. The properties shall be sold subject to the following terms and conditions:
  - (a) The properties shall be sold for not less than the amount set forth in Schedule A.
  - (b) The sale shall be made by private sale, after legal advertisement of this Ordinance, and shall be made to the persons set forth in Schedule A or such higher offer as may be submitted within the twenty (20) day period as

referenced in Paragraph 1 above, subject to the contiguous property owners rights under N.J.S.A. 40A:12-13.2. In the event any contiguous property owner is interested in purchasing the property and notifies the Township of their interest, the property will be auctioned amongst the contiguous property owners on December 18, 2018 at 11:00 a.m. at the Sparta Township Municipal Building located at 65 Main Street, Sparta, NJ. In the event of the sale to the owner of contiguous property, which existing property owned by the purchaser shall become consolidated with the property being sold herein, and become part of and merge with the contiguous property owned by the successful bidder.

- (c) The Township does not warrant or certify title to the properties and in no event shall the Township of Sparta be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the properties prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.
- (d) Acceptance of the offer made as set forth in Schedule A or the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- (e) Upon adoption of this Ordinance the purchaser will be required to pay within two (2) business days ten percent (10%) of the bid, in certified funds or check; the payment shall be returned to the purchaser, without interest, if the title to the property is legally determined to be unmarketable, providing claims made therefor within thirty (30) days from the date that this Ordinance is adopted.
- (f) A Quit Claim Deed will be delivered at the office of the Township Clerk or the Township Attorney's office on or before thirty (30) days after the date of the sale, at which time and place the balance of the purchase price, plus the legal fees and costs incurred by the Township in the amount of \$450.00, plus the actual costs that the Township incurs for publishing this Ordinance and any required notices, shall be required to be paid by certified or bank check. The Mayor and Clerk are hereby authorized to execute the Deed and any related documents.
- (g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Sparta and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the properties, if any, and the continued right of maintenance and flow thereof.
- (h) The properties will be sold subject to 2018 taxes, prorated from the date of sale.
- (i) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

4. Potential Bidders are advised:

- A. To conduct all necessary title searches prior to the date of the sale.
- B. That the description of the properties are intended as a general guide only and may not be accurate. No representation of any kind are made by the Township of Sparta as to the conditions of the properties, including habitability or usability; the properties are being sold in its present condition "as is".
- C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Sparta.

- D. That no employee, agent or officer of the Township of Sparta has any authority to waive, modify or amend any of the conditions of the sale.
  - E. The properties will be conveyed subject to all covenants, restrictions, reservations and easements established of record or by prescription, and as set forth herein, and without representation as to character of title of the properties to be conveyed.
5. Additional Terms the Purchaser must comply with:
- A. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
  - B. That the failure to close title as agreed shall forfeit to the Township of Sparta any and all money deposited with the Township.
  - C. 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 assessments with regard to other properties.
  - D. The properties being purchased shall be merged with purchaser's contiguous property and treated as one piece of property.
6. This Ordinance shall take effect after final passage and publication according to law.

**SCHEDULE A**

<u>PROPERTY</u>	<u>MINIMUM BID</u>
Block No. 32002, Lot No. 76 Located at 29 Fairmont Road, Sparta, NJ	\$1,000
Block No. 32002, Lot No. 77 Located at 22 Olive Road, Sparta, NJ	\$500

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on November 13, 2018, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on November 27, 2018 at 7:30 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

Kathleen Chambers, RMC  
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on November 13, 2018. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on November 27, 2018 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

Kathleen Chambers, RMC  
MUNICIPAL CLERK