

ORDINANCE NO. 3804

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 552, LOT 22 LOCATED ON LEONA STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY

Summary

An ordinance authorizing the private sale of Township owned land located in Block 552, Lot 22 located on Leona Street.

WHEREAS, the Township of Franklin (the "Township"), in the County of Somerset is the owner of a certain parcel of vacant land ("Properties") known as Block 552, Lot 22; and

WHEREAS, **NJSA 40A:12-13.2** provides, in pertinent part, that whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements therein, the municipality must accord contiguous property owners a right of first refusal to purchase such land; and

WHEREAS, the Township proposes to offer such right to all contiguous owners and sell the property to the highest bidders among the contiguous owners as authorized by NJSA 40A:12-13 (B)(5);

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey as follows:

1. The Township Council hereby declares the Property to be surplus and not needed for public use;
2. The offer of said Property to contiguous property owners and the sale of the Property at fair market value is hereby approved;
3. The Township reserves the right to either accept the highest bid or to reject all bids;
4. Within thirty (30) days after notification from the Township to the highest bidders of the acceptance of such bids, the successful bidders shall have the option to conduct a title search of the Property. In the event that the title search discloses a title defect which materially interferes with the successful bidder's use of the Property, the successful bidder's sole remedy shall be the right to withdraw the offer to purchase the Property;
5. The Township Clerk, or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effect the offer and conveyance of the Property to a contiguous property owner;
6. The Township Clerk, shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements required by NJSA 40A:12-13(b)

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THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE TOWNSHIP COUNCIL, TOWNSHIP OF FRANKLIN, SOMERSET, NJ

Introduced: November 25, 2008
Public Hearing: January 6, 2009
Adoption: January 6, 2009
Notice of Adoption: January 15, 2009
Effective Date: January 26, 2009

Ann Marie McCarthy, Township Clerk