

**BOROUGH OF MANVILLE
ORDINANCE 2010-1096**

**AN ORDINANCE AUTHORIZING THE PRIVATE LEASE OF A PORTION OF LOTS
39 AND 40 IN BLOCK 100 OF THE BOROUGH OF MANVILLE, COUNTY OF
SOMERSET, NOT NEEDED FOR PUBLIC USE**

WHEREAS, certain land as described hereafter, more particularly land owned by the Borough of Manville but not needed for public use and said Municipality, at the request of the property owner of adjoining Lot 41 (a paraplegic veteran) who desires to lease a portion of said land by private lease in accordance with N.J.S.A. 40A:12-14; and

WHEREAS, the Borough Council hereby determines that the law requires that such a lease be made to the highest bidder by open public bidding at auction or by submission of sealed bids pursuant to N.J.S.A. 40A:12-14(a);

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Manville in the County of Somerset that:

1. The Borough Clerk is authorized, subject to the terms and conditions hereafter set forth, to offer for private lease pursuant to N.J.S.A. 40A:12-14(a), a twenty (20') foot wide portion of Lots 39 & 40 in Block 100 at its western border for the purpose of permitting the construction and use of a temporary wheelchair ramp connecting to the front porch of the residential dwelling located on Lot 41 in Block 100 until the temporary ramp is no longer required by Joseph Palitchka, a paraplegic veteran and the owner of Lot 41 in Block 100, but in no event for a period longer than ten (10) years.
2. Advertisement of the method of bidding shall be published in a newspaper circulating in the Municipality by two (2) insertions at least once a week during two (2) consecutive weeks.
3. The governing body has, by Resolution 2010-113, fixed a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted and has set forth the terms and conditions of the lease.
4. Notice of this reservation shall be included in the advertisement of the letting of the lease and public notice thereof shall be given of the time of the letting of the lease. The notice shall also set out the conditions, restrictions and limitations upon the tenancy subject to the lease.
5. Acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the completion of the bidding and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one (1) week without readvertising.
6. All ordinances or provisions thereof conflicting or inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict or inconsistency.

7. If any section or provision of this ordinance shall be adjudged invalid, such determination shall not affect the remaining provisions hereof, which shall remain in full force and effect.

8. This ordinance shall take effect after adoption and final publication in accordance with law.

Borough of Manville,

Lillian M. Zuza

Attest:

Philip E. Petrone, Borough Clerk

ORDINANCE #2010-1096

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		FISCHER				√
		KOMOROSKI				√
		LYNN	√			
		ONDERKO	√			
	√	SZABO	√			
		MAYOR ZUZA				

PASSED this 30th day of June, 2010

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		FISCHER	√			
		KOMOROSKI	√			
		LYNN	√			
		ONDERKO	√			
	√	SZABO	√			
		MAYOR ZUZA				

ADOPTED this 12th day of July, 2010.

Attest:

Philip E. Petrone, Clerk