

**Ordinance # 2019-1226**

**An Ordinance Authorizing The Sale Of Certain Property Commonly Known As 403 Washington Avenue, Block 110, Lots 9 &10 (As Shown On The Tax Map Of The Borough Of Manville) And Owned By The Borough Of Manville, County Of Somerset, New Jersey, Not Required For Public Purposes Pursuant To N.J.S.A. 40a:1213, Et Seq.**

**WHEREAS**, the Local Lands and Building Laws, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the Borough of Manville is the owner of certain real property as further set forth herein not needed for public use, and the Mayor and Council have determined that it is in the best interest of the Borough to sell the same to generate revenue, reduce taxes and liabilities.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Manville in the County of Somerset, State of New Jersey, as follows:

**Section 1. Block 110, Lots 9 & 10 (commonly known as 403 Washington Avenue)** shall be offered for sale, pursuant to N.J.S.A. 40A:12-13 at a public auction to the highest bidder with the minimum bid being ten thousand dollars (\$10,000.00). The public auction shall be held at the Borough of Manville Municipal Building or such other place as shall be designated by the Borough at a date to be set by the Borough Clerk and published in accordance with law.

**Section 2.** The property sale shall be subject to the following terms:

1. That no representations of any kind are made by the Borough of Manville as to the condition of the property, said property is being sold in its present condition "as is". Additionally, the Borough makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property.

2. That the Borough will execute a Quitclaim Deed mutually acceptable in form and substance to both parties.

3. That the Purchaser, at its sole expense, shall have a right to conduct environmental and other inspections of the property with results satisfactory to Purchase and its lender but must complete such inspections within thirty (30) days of bid acceptance.

4. That the Purchaser shall obtain a survey of the entire tract, which said survey will be at Purchaser's sole expense, in form and substance satisfactory to the Borough and the Purchaser; and said survey shall be certified to the Borough.

5. Purchaser's receipt of a title commitment, which said title commitment will be at Purchaser's sole expense, with respect to the property, to be obtained, stating that Seller has good, indefeasible and marketable fee simple title to the property, free and clear of all liens and encumbrances except such matters as may be acceptable to Purchaser.

6. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

**Section 3.** This sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Mayor and Borough Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements or personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

**Section 4.** The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Manville.

**Section 5.** That should the title to the property prove to be unmarketable for any reason, the liability of the Borough shall be limited to the repayment to the Purchaser of the deposit

and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim must be served on the Borough Clerk, by the Purchaser, in writing no later than thirty (30) days after the sale is approved by the Mayor and Council, failure upon the part of the Purchaser to give written notice within said time shall be deemed conclusive proof that the Purchaser accepts the title in its present condition.

Section 6. In addition to the terms and conditions set forth herein, successful bidders agree that the Borough may impose the following conditions:

- i. To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.
- ii. To pay by the time of closing:
  - a. The balance of the purchase price.
  - b. The cost of preparation of all legal documents including any special property description.
  - c. The prorated real estate taxes, for the balance of the current year as of the date of closing.
- iii. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from these regulations.
- iv. That in the event Purchase fails to close title, Purchaser shall forfeit to the Borough of Manville any and all money deposited with the Borough.
- v. 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 assessment of the subject property, nor shall the purchase price be used as a comparable sales to challenge assessments with regard to other properties.

Section 8. The Borough reserves the right to withdraw the offer of sale and reject any and all bids.

Section 9. All sales are subject to final approval by the Mayor and the Borough Council. Parties interested in submitting bids and who require additional information should contact:

**Wendy Barras, Borough Deputy Borough Clerk  
Borough of Manville**

Section 10. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof

Section 11. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 12. The Mayor, Borough Administrator, Borough Clerk, and Borough Attorney are hereby authorized to execute all documents necessary for the conduct of this auction and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds and other conveyance documents.

Section 13. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Borough of Manville



Richard M. Onderko, Mayor

**ORDINANCE #2019-1226**

**FIRST READING:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
✓		MAGNANI	✓			
	✓	LUKAC	✓			
		PETRONE	✓			
		SKIRKANISH	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

**INTRODUCED** this 25TH day of November, 2019



Attest:  
Wendy Barras, Temporary Acting Borough Clerk

**SECOND READING:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
		PETRONE	✓			
✓		SKIRKANISH	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

**[ADOPTED] [DEFEATED]** this 16<sup>th</sup> day of December, 2019



Attest:  
Wendy Barras, Temporary Acting Borough Clerk

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