



**Borough of Manville
Ordinance #2024-1315**

**AN ORDINANCE AUTHORIZING SALE OF BOROUGH
PROPERTY LOCATED AT BLOCK 166, LOT 10**

Statement of Purpose

The purpose of this Ordinance is to authorize the Sale of Borough real property not required for public use, in accord with New Jersey state statutes, *N.J.S.A. §40A:12-13 et seq.*, and to provide that the proceeds of said Sale be placed in a Borough budget account to be dedicated to Public Safety and Emergency Management expenses,

WHEREAS, the Borough of Manville is seeking to sell certain land (the “Property to be Sold”), , being a narrow strip of land in the approximate size of 3 ft. x 75 ft. (225 sq. ft.) located at the eastern edge of Block 166, Lots 10, as directly adjacent to Block 166, Lot 11, not needed for public use; and

WHEREAS, *N.J.S.A. §40A:12-13* provides that “Any county or municipality may sell any real property, capital improvement or personal property, or interests therein, not needed for public use”; and

WHEREAS, *N.J.S.A. §40A:12-13* provides that: “Notwithstanding any provision of law to the contrary, 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 thereon, it shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land”; and

WHEREAS, *N.J.S.A. §40A:12-13(b)(5)* provides, in pertinent part, that such sale may be made:

“(b) At private sale, when authorized by resolution, in the case of a county, or by Ordinance, in the case of a municipality, in the following cases: (5) A sale to the owner of the real property contiguous to the real property being sold; . . . and When there is only one owner with real property contiguous to the property being sold, and the property is less than an eighth of the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon, the fair market value of that property may be determined by negotiation between the local unit and the owner of the contiguous real property. The negotiated sum shall be subject to approval by resolution of the governing body, but in no case shall that sum be less than one dollar”; and

WHEREAS, the Mayor & Council believe, subject to final review and concurrence by the Borough Engineer that the Property to be Sold is not needed for public use, that there is only one contiguous property owner, and that the Property to be Sold, as comprising approximately 225 sq. ft. is less than one-eighth the minimum size required for development under the municipal zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Manville in the County of Somerset, State of New Jersey, that

SECTION 1. That the Borough of Manville is authorized to sell the Property to be Sold, comprising a narrow strip of land in the approximate size of 3 ft. x 75 ft. (225 sq. ft.) located at the eastern edge of Block 166, Lots 10, as directly adjacent to Block 166, Lot 11, as shown on Exhibit A to this Ordinance, to the sole contiguous property owner (the “Buyer”), being the owner of the premises at Block 166, Lots 11, 12 and 13 (commonly known as 423 Huff Avenue), at the total price of \$20,000; (b) with the Buyer to at Buyer’s expense and to the satisfaction of the Borough Engineer provide a Survey and Metes and Bounds of the Property to be Sold; and reimburse the Borough’s Engineering fees and Attorney fees in regard to this transaction;

SECTION 2. That upon receipt of said \$20,000 sum, the Borough Chief Financial Officer is hereby directed to place those proceeds in a budget account to be dedicated to Public Safety and Emergency Management expenses, subject to further action by the Mayor & Council directing the use of said funds; and be it further resolved

SECTION 3. That the Borough Engineer, in consultation with the Borough Attorney and the borough Clerk, shall confirm to the governing body that the Property to be Sold is not needed for public use, that the Buyer is the sole contiguous property owner, and that the Property to be Sold, as comprising approximately 225 sq. ft. is less than one-eighth the minimum size required for

development under the municipal zoning ordinance;


SECTION 4. That the Mayor, the Borough Clerk, and the Borough Administrator, after final consultation with and approval by the Borough Attorney and the Borough Engineer, are hereby authorized to execute such documents as may be necessary to effectuate the intent of this Resolution;

SECTION 5. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 6. Repealer: Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7: Purpose of Captions. The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 8: SECTION 8: Effective Date: This Ordinance shall take effect after adoption, passage, and publication according to law.

Borough of Manville,

Richard M. Onderko, Mayor

INTRODUCED this 22nd
day of April, 2024

ORDINANCE # 2024-1315
FIRST READING: 4/22/2024
ROLL CALL

Attest:

William Bray
Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	X			
	X	Camacho	X			
X		DeVito	X			
		Madak				X
		Puia	X			
		Skirkanish	X			

ADOPTED this
6th day of May, 2024:

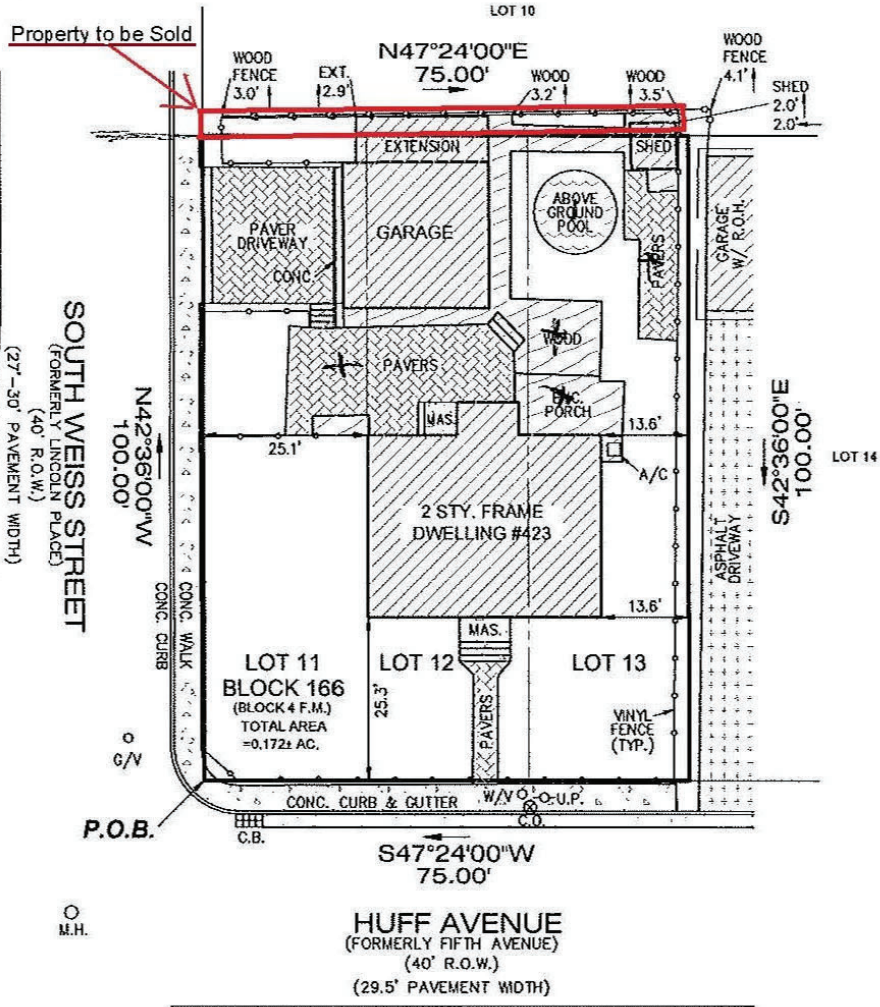
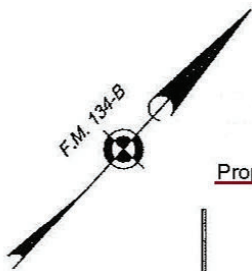
ORDINANCE # 2024-1315
SECOND READING AND FINAL ADOPTION: 5/6/2024
ROLL CALL

Attest:

William Bray
Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans				X
		Camacho				X
X		DeVito	X			
		Madak	X			
		Puia	X			
	X	Skirkanish	X			
		Onderko				

Exhibit A



PREPARED FOR: JAMES DOELLING AND GABRIELLA TIEME DOELLING, A MARRIED COUPLE

TITLE INSURER: SAFE LAND TITLE AGENCY, LLC (SLQ-NJ-2110)
STEWART TITLE GUARANTY COMPANY

MORTGAGE HOLDER: CLASSIC MORTGAGE, LLC,
its successors and/or assigns, as their interest may appear

BUYER'S ATTORNEY: ARA C. KHOROZIAN, Esquire

DISCUSSION TOPIC: MULTIPLE SITE
FEATURES CROSS BOUNDARY LINE

Filed Map Reference: MAP OF PROPERTY ANNEXED TO MANVILLE PARK AND MANVILLE HEIGHTS SITUATED AT MANVILLE, N.J.	Filed Map Book: 4	Filed Map Lot: 11, 12 & 13	Filing Date: 9/9/1924	Filed Map No. 134-B
---	-------------------	----------------------------	-----------------------	---------------------

HW/CP WITH NOTES. PLEASE REVIEW.

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 4/4/24 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TO ELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM A TITLE REPORT PROVIDED BY THE TITLE INSURER REFERENCED HEREON.
- BUILDING SETBACK LINES SHOWN HEREON ARE FROM RECORDED DEEDS AND FILED MAPS AND MAY NOT REFLECT CURRENT ZONING REQUIREMENTS.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

DB 6962 PG 472

CERTIFICATE OF AUTHORIZATION: 24GA28229800

MORGAN
engineering & surveying

P.O. BOX 5232
TOMS RIVER, N.J. 08754
TEL: 732-270-9690
FAX: 732-270-9691

www.morganengineeringllc.com

David J. Von Steenburg

DAVID J. VON STEENBURG
PROFESSIONAL LAND SURVEYOR
N.J. LIC. No. 34500

SURVEY OF PROPERTY

LOTS 11, 12 & 13 BLOCK 166

BOROUGH OF MANVILLE

COUNTY OF SOMERSET NEW JERSEY

Scale: 1"=20'	Drawn By: RICH	Date: 4/4/24	JOB #: 24-02375	CAD File #: 24-02375	Sheet #: 1 of 1
---------------	----------------	--------------	-----------------	----------------------	-----------------