

EXPLANATION: This Ordinance authorizes the Township of Warren to sell an undersized remnant lot no longer needed for public use to the highest bidder among contiguous property owners.

**TOWNSHIP OF WARREN
ORDINANCE NO. 19-53**

WHEREAS, the Township of Warren (“the Township”) is the owner of Block 163, Lot 1 of the Township Tax Map(referred to hereafter as the “Property”); and

WHEREAS, the size of the Property is approximately 0.69 acres; and

WHEREAS, the Property is no longer used by the Township for any purpose; and

WHEREAS, the Property is undersized because it is less than the minimum size required for development in its zoning district; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A.40A:12-1 et seq., allows the sale of municipally-owned remnant properties at a private sale, instead of at an auction, in certain circumstances. N.J.S.A. 40A:12-13(b) (5) provides, in part, that:

A sale to the owners of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any sale shall be for not less than the fair market value of said real property; and

WHEREAS, the Township Committee of the Township is of the opinion that the criteria set forth in N.J.S.A. 40A: 12-13(b)(5) are present; namely, the Property is less than the minimum size required for development in the EP-250 zone district and is without any capital improvements, and that there are at least two (2) owners with real property contiguous to the Property so that the Property shall be sold to one of the contiguous property owners; who, among them is the highest bidder; and

WHEREAS, the Tax Assessor of the Township has determined the Fair Market Value of the Property to be five thousand three hundred dollars (\$5,300.00); and

WHEREAS, the Township Committee of the Township is of the opinion that the property is a remnant lot that is no longer useful to the Township; and

WHEREAS, the Township Committee of the Township of Warren is of the opinion that the sale of the Property is beneficial to the health, safety, and welfare of the residents of the Township because said Property is a remnant lot that is not useful to the Township and requires expenditure of scarce public resources and does not generate any real estate tax revenue.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, as follows:

1. The Township Committee hereby authorizes the sale of the Property, identified on

Exhibit A attached hereto, to the highest bidder among the owners of the various contiguous properties at the minimum price of five thousand three hundred dollars (\$5,300.00).

2. Pursuant to N.J.S.A. 40A:12-13(b), the Township Clerk shall advertise the sale of said Property in the official newspaper of the Township within five (5) days following enactment of this ordinance.
3. The Township Clerk shall post a description of the Property to be sold pursuant to this Ordinance, together with the minimum price, on the municipal bulletin board or other conspicuous space in the municipal building, where the Township Committee usually holds its regular meetings.
4. The Township Clerk shall transmit, via certified mail, a copy of this Ordinance to owners of the properties contiguous to the Property to be sold pursuant to this Ordinance.
5. Offers for the Property shall be made to the Township Administrator for a period of twenty (20) days following the advertisement herein required, at no less than the minimum price set forth in this Ordinance, by any of the contiguous property owners, their real estate brokers or other representatives.
6. The Property will be sold “as is” and “where as” without representations and warranties and subject to existing restrictions of record. The Property shall be conveyed by Quitclaim Deed. The Quitclaim Deed shall specifically provide that the Property conveyed shall not be further subdivided once merged with the successful bidder’s remaining lands, and shall also include a deed restriction indicating that the Property will not be used for commercial purposes, including, but not limited to, the sale of vehicles or use as a junkyard but this prohibition shall not prohibit the construction of a building used to store vintage vehicles for a non-commercial purpose.
7. The Township Committee reserves the right to reconsider this ordinance not later than thirty (30) days after its enactment and to advertise the Property for public sale pursuant to N.J.S.A. 40: 12-13(a).
8. The Township Attorney is hereby authorized to prepare the necessary closing documents to convey the Property to the highest bidder among the contiguous property owners.
9. The Mayor and Township Clerk are hereby authorized to sign the necessary closing documents.
10. This Ordinance shall take effect immediately after adoption and publication according to law.
11. The Township Clerk is hereby directed to provide to the Director, Division of Local Government Services in the Department of Community Affairs, a sworn affidavit verifying the publication of the advertisements required by this Ordinance.

ATTEST:

WARREN TOWNSHIP

Cathy Reese, RMC,
Township Clerk

Gary DiNardo, Mayor

INTRODUCED: November 14, 2019

ADOPTED: December 12, 2019

EFFECTIVE: December 19, 2019

EXHIBIT A

PROPERTY TO BE SOLD: Block 163, Lot 1

MINIMUM BID PRICE: \$5,300.00