

**ORDINANCE #11-23**

**AN ORDINANCE OF BOROUGH OF SAYREVILLE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE BOROUGH OF SAYREVILLE TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)**

**WHEREAS**, the Borough Council has determined that certain municipally owned land located on Warwick Road, Block 337, Lot 9 in the official tax maps for Borough of Sayreville, consisting of undersized, irregularly shaped lot, and is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12--13(b)(5), and,

**WHEREAS** N.J.S.A. 40A:12-13(b)(5) authorizes the Borough to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where the Borough owned Property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and,

**WHEREAS**, pursuant N.J.S.A. 40A:12-13(b)(5), the Borough gave appropriate notice to all contiguous lot owners and determined that all contiguous properties are owned by the same property owner; and,

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13(b)(5), the Borough engaged in negotiations with the contiguous property owner, Francisco Sequeira, as to the fair market value of the subject parcel; and,

**WHEREAS**, the Borough previously passed Resolution 2022-71 approving the purchase price of \$4,000.00 (four thousand dollars and zero cents) inclusive of any and all fees associated with the transfer of the property.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Borough Council that the Borough is authorized to sell the property located on Warwick Road, Block 337, Lot 9, to the contiguous property owner, Francisco Sequeira, in the amount of \$4,000.00 (four thousand dollars and zero cents); and,

**BE IT FURTHER RESOLVED**, that the sale of the Property is being made subject to the terms, conditions, restrictions and limitations of a Contract of Sale, which is on file with the Borough Clerk, including but not limited to the following terms and conditions:

1) The Property is being sold in an "AS IS" WHERE-IS" condition. The contiguous property is responsible for conducting any and all inspections and testing, if any, of the Property at its own cost and expense.

2) The contiguous property owner shall pay prorated real estate taxes for the balance of the current year as of the date of closing of title.

3) The closing of title to the Property is "TIME OF THE ESSENCE" and must take within thirty (30) days from the passage of this Ordinance, and the failure of the contiguous property owner to close title as agreed shall result in the contiguous property owner's forfeiture of any and all money deposited with the Borough.

4) The contiguous lot owner shall consolidate the Property purchased with other contiguous lot or lots so as to be part of a reconfigured lot in conformance with the zoning requirements.

5) No variances shall be requested and/or permitted for either Property and there shall be no further subdivision of the Property until it is consolidated with a contiguous parcel.

6) The deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Borough of Sayreville without the necessity of entry or reentry.

7) In the event that the contiguous property owner fails to close title to the Property, the contiguous property owner shall forfeit all deposit monies made to the Borough. No refunds whatsoever will be made by the Borough of Sayreville in the event that the contiguous property owner fails to complete the purchase of the Property within thirty (30) days passing of this Ordinance.

8) The purchaser(s) shall pay the cost of recording fees.

9) With respect to the sale of the Property herein, NO real estate commission is owed.

10) The Property is being sold "AS IS" "WHERE IS." The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property.

12) No representation is made by the Borough as to the utility, usability or environmental condition of the Property.

13) The purchaser will pay at the time of closing a fee per lot of \$155 to change the tax map.

**BE IT FURTHER RESOLVED**, that the contiguous property owner shall properly execute the Contract in the signature spaces at the end. Failure to execute the Contract properly shall not affect the obligation of the contiguous property owner or the validity of the sale. The deed given by Borough of Sayreville for the Property will be

a Quit Claim Deed. No title contingencies or conditions are permitted.

**SECTION 2. Severability Clause.**

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

**SECTION 3. Repealer.**

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions are hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 4. Effective Date.**

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

**INTRODUCED/APPROVED ON FIRST READING**

DATED: May 8, 2023

\_\_\_\_\_  
Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

\_\_\_\_\_  
Daniel Balka, Councilman  
(Admin. & Finance Committee)  
Borough of Sayreville

**ADOPTED ON SECOND READING**

DATED: May 22, 2023

\_\_\_\_\_  
Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

\_\_\_\_\_  
Daniel Balka, Councilman  
(Admin. & Finance Committee)  
Borough of Sayreville

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Victoria Kilpatrick, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

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SEAN KEAN, ESQ., Borough Attorney