



June 18, 2014

TO THE MAYOR AND COUNCIL
OF THE CITY OF VINELAND

RE: Proposed Sale of City-Owned Properties
to Contiguous Property Owners

Dear Mayor and Members of Council:

Attached is a list of properties which have been determined to be not needed for public use upon review by various departments and which are undersized for normal development and, therefore, recommended to be offered for sale to contiguous property owners.

With your approval, we will work with the City Solicitor to prepare letters of offer to all owners of property abutting each of the City-owned properties on this list for sale at the assessed value as provided by the Tax Assessor. Any offers submitted for purchase of property will be submitted to City Council for approval by ordinance in accordance with N.J.S.A. 40A:12-13 of the Local Lands and Buildings Law (copy attached).

Should you require any additional information, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Denise Monaco".

Denise Monaco
Assistant Business Administrator

DM/
Encls.
cc: Richard P. Tonetta, Esq.

Approved:

A handwritten signature in blue ink, appearing to read "Kalen F. ...", written over a horizontal line. Below the line, the word "Mayor" is printed.

Properties Not Needed for Public Use to be Offered to Contiguous Property Owners						
Block	Lot	Location	Size	Comments	Zoning	Assessed Value
106	10	Gail Lane	10x300	Unbuilt pathway - subdivide & offer to abutting properties	A-5	200
107	10	Noel Drive	10x300	Unbuilt pathway - subdivide & offer to abutting properties	A-5	200
114	5	Old Lake Road	125x58, 25x92	Offer to abutting properties -not buildable due to lack of sewer	A-5	27,800
134	8	Lake Road	19x767	Offer to abutting properties - possible encroachments/possible subdivision	A-5	8,400
137	4	Stanley Terrace	40x148	Offer to abutting properties - 1/3 FHA	A-5	3,100
202	41	Columbia Avenue	1.15 acres	Offer to abutting properties - landlocked/Sepers drainage pond???	A-5	5,800
202	46	4075 Lake Road	66x160	Offer to abutting properties	A-5	6,100
301	15	Washington Avenue	.37 acres	Unbuilt street - abuts farm & Nature Conservancy (could we do land swap?)	W-5	9,300
904	10	2894 Alberic Street	13x35	Offer to abutting properties in Franklin & Vld. (may contain shed???)	A-5	300
909	2	E. Forest Grove Road	25x125	Offer to abutting properties (may contain garage/dog runs belonging to L 3)	R-4	1,800
1604	44	E. Wheat Road	30.36x33.49	Offer to abutting properties	R-3	25,600
1905	32	Phillip Street	43x175	Offer to abutting properties	R-3	4,300
2009	8	Sunset Avenue	5x324	Offering to abutting properties	R-5	23,400
2401	3	E. Oak Road	207x98	Offer to abutting properties - no sewer	R-3	34,700
2418	51	Woodcrest Drive	30x36	Offer to abutting properties	R-3	600
2920	10	14 N. West Boulevard	80x150	Used by L 9 - negotiate sale & require improvement (Redevelopment)	LC	102,200
2920	12	8 N. West Boulevard	40x100	Used by others - negotiate sale & require improvement (Redevelopment)	LC	35,500
4012	4	811 Grape Street	25x100	Offer to abutting properties - is already being utilized	R	13,900
4214	37	79 Columbia Avenue	10x64	Offer to abutting properties	R-2	400
4701	7	W. Chestnut Avenue	12x1295	Offer to abutting properties	R-3	31,300
4705	59	S. Orchard Road	10x635	Offer to abutting properties	R-3	26,200
5204	30	Venezia Avenue	11.33 acres	Offer to abutting properties - landlocked, partially FHA & FWW	R-4	68,200
6102	27	S. West Boulevard	14.8x930	Offer to abutting properties	R-5	27,500
6601	22	Genoa Avenue	.47 acres	Offer to abutting properties	A-5	1,200
7801	65	Cumberland Avenue	35x100	Offer to abutting properties	W-6	200

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40A:12-13. Sales of real property, capital improvements or personal property; exceptions; procedure
New Jersey Statutes Annotated Title 40A. Municipalities and Counties Effective: September 21, 2000 (Approx. 3 pages)

New Jersey Statutes Annotated
Title 40A. Municipalities and Counties (Refs & Annos)
Chapter 12. Local Lands and Buildings Law (Refs & Annos)
Sale, Lease or Exchange (Refs & Annos)

Proposed Legislation

Effective: September 21, 2000

N.J.S.A. 40A:12-13

40A:12-13. Sales of real property, capital improvements or personal property; exceptions; procedure

Currentness

Sales of real property, capital improvements or personal property; exceptions; procedure. Any county or municipality may sell any real property, capital improvement or personal property, or interests therein, not needed for public use, as set forth in the resolution or ordinance authorizing the sale, other than county or municipal lands, real property otherwise dedicated or restricted pursuant to law, and, except as otherwise provided by law, all such sales shall be made by one of the following methods:

(a) By open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price or prices, with or without the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement 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 to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale, in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest

retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisement required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, 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 sale may be adjourned at the time advertised for not more than one week without readvertising.

(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:

(1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.

(2) A sale to a person submitting a bid pursuant to subsection (a) of this section, where all bids have been rejected, provided that the terms and price agreed to shall in no event be less than the highest bid rejected, and provided further that the terms and conditions of sale shall remain identical.

(3) A sale by any county or municipality, when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all encumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said conveyance was not the owner of some estate or interest in said real

property, capital improvement or personal property or of some encumbrances thereon, and the county or municipality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest therein or outstanding encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

(4) A sale of an easement upon any real property previously conveyed by any county or municipality may be made when the governing body of any county, by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

(5) A sale to the owner 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 such sale shall be for not less than the fair market value of said real property. 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.

In the case of any sale of real property hereafter made pursuant to subsection (b) of this section, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it. A list of the property so authorized to be sold, pursuant to subsection (b) of this section, together with the minimum prices, respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a

newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated, within five days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section.

Any county or municipality selling any real property, capital improvement or personal property pursuant to subsection (b) of this section shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

(c) By private sale of a municipality in the following case: A sale to a private developer by a municipality, when acting in accordance with the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et al.).

All sales, either public or private, may be made for cash or upon credit. A deposit not exceeding 10% of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that such mortgage shall be fully payable within five years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the "Local Bond Law" (N.J.S.40A:2-1 et seq.), whichever is higher. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale; provided, however, that no commission shall be paid unless notice of the governing body's intention to pay such a commission shall have been included in the advertisement of sale and the recipient thereof shall have filed an affidavit with the governing body stating that said recipient is not the purchaser. Said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any real estate broker's commission). As used in this section, "purchaser" shall mean and include any person, corporation, company, association, society, firm, partnership, or other business entity owning or controlling, directly or indirectly, more than 10% of the purchasing entity.

Credits

L.1971, c. 199, § 13, eff. July 1, 1971. Amended by L.1975, c. 73, § 1; eff. May 1, 1975; L.1975, c. 339, § 1, eff. March 3, 1976; L.1976, c. 137, § 1, eff. Dec. 28, 1976; L.1979, c. 388, § 10, eff. Feb. 5, 1980; L.1981, c. 330, § 1, eff. Dec. 14, 1981; L.1984, c. 111, § 1, eff. Aug. 3, 1984; L.1985, c. 535, § 1, eff. Jan. 21, 1986; L.1992, c. 79, § 51; L.2000, c. 126, § 26, eff. Sept. 21, 2000.

Editors' Notes**ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE STATEMENT****Assembly, No. 3013--L.1985, c. 535**

The purpose of this bill is to permit a municipality, which has established its own rules or requirements concerning the disposal of property or improvements developed or redeveloped by a private developer and which is acting as a redevelopment agency or a local housing authority, to sell the property or improvements to the private developer at private sale based upon those rules or requirements.

Currently, under section 13 of P.L.1971, c. 199 (C. 40A:12-13), the private developer must offer the municipality the right of first refusal to purchase the property or improvements at the price at which the property or improvements were originally bought from the municipality at private sale. Some municipalities, however, have established their own rules or requirements concerning the disposal of the property or improvements by a private developer. This bill permits these municipalities to require, as part of the sale to the private developer, that any subsequent sale or conveyance of the property or improvement by the developer shall be subject to those rules or requirements.

The Assembly committee amendment is technical in nature.

Notes of Decisions containing your search terms (0)[View all 106](#)

N. J. S. A. 40A:12-13, NJ ST 40A:12-13

Current with laws effective through L.2014, c. 9 and J.R. No. 1.

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