

ORDINANCE NO. 2024- 05

ORDINANCE AUTHORIZING THE SALE OF BLOCK
7307, LOT 11 AT PRIVATE SALE IN ACCORDANCE
WITH N.J.S.A. 40A:12-13(B)(5).

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides that a municipality, when authorized by ordinance, may sell any real property, not needed for public use, at private sale, provided the sale is a sale to the owner of real property contiguous to the real property being sold, and the property being sold is less than the minimum size required for development under the municipal zoning ordinance, and is without capital improvements thereon;

WHEREAS, Block 7307, Lot 11 is located on a paper street in a W-5 Zone and without frontage on a dedicated street;

WHEREAS, a departmental survey that Block 7307, Lot 11 is not needed for a public purpose, the property is also less than the minimum size for development; and is without capital improvements thereon and has a fair market value is \$3,400.00.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland, the governing body of the City of Vineland, that the statements of the preamble, hereinabove, are incorporated herein as though fully set forth herein;

BE IT FURTHER ORDAINED that the following property shall be offered for sale to the owners of contiguous property, for not less than the price indicated:

Description of Real Property	Minimum Price
Block 7307, Lot 11 4228 Mustang Drive Approximate Size – 100 x 150	\$3,400.00

BE IT FURTHER ORDAINED, that subject to Vineland City Council's right to reconsider this ordinance and instead advertise the property for public sale pursuant to subsection N.J.S.A. 40A:12-13 (a), the property shall be sold to the highest bidder among the contiguous property owners, provided that the sale price equals or exceeds the fair market value of the property;

BE IT FURTHER ORDAINED that the sale shall be conducted in accordance with the requirements of N.J.S.A. 40A:12-13 (b);

BE IT FURTHER ORDAINED that the sale of the property shall not affect the right and privileges, if any, possessed by any municipal or private utility and by any cable television company to maintain, repair and replace their existing or future facilities in, adjacent to, over or under the Property.

BE IT FURTHER ORDAINED that this ordinance shall be posted on the bulletin board at Vineland City Hall, and notice of the offer to sell the property, and the minimum bid price, shall be advertised in the Daily Journal and sent by certified mail, return receipt requested, and regular mail, to all property contiguous property owners, within 5 days of the enactment of this Ordinance;

BE IT FURTHER ORDAINED that Offers for the property may thereafter be made by contiguous property owners by sealed bid delivered to the Clerk of the City of Vineland for a period of 20 days following the publication of the advertisement in the Daily Journal;

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BE IT FURTHER ORDAINED, the following terms and conditions shall apply:

1. Block 7307, Lot 11 is being sold subject to the express condition that the lot shall be added to, and becomes a part of, the adjacent lands of the purchaser, and it shall for all future purposes be considered as one parcel. It shall be the property owner's responsibility to provide the Solicitor for the City of Vineland with an all-inclusive description combining the property with that of the property owner's adjacent property.
2. Vineland City Council reserves the right to withdraw the offer of sale and reject any and all bids.
3. The minimum bid the City will consider is \$3,400.00, plus the cost of recording the deed, and that the deed shall be recorded, on behalf of the purchaser, by the City Solicitor's office. The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all liens, covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.
4. All bids will be opened at 10:00 am on 21st day after publication of the advertisement. In the event the 21st day is a weekend or holiday, the sealed bids will be opened on the next business day thereafter. The highest bidder will be notified either in person, or through the contact information provided with the bid. In the event that bidding results in a tie, all contiguous property owners that submitted a qualifying bid shall notified and given 20 days to submit a new sealed bid subject to the terms and conditions set forth in this Ordinance.
5. Additional Terms of Sale:
 - A. The successful bidder must execute a contract of sale (the form of which is will be available for review in the Clerk's Office upon advanced request and deposit cash, or certified check in an amount of not less than 10% of the bid price within one (1) week of the opening of the bids.
 - B. The successful bidder is required to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
 - C. The failure to close title as agreed shall forfeit to the City of Vineland any and all money deposited with the City.
 - D. 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 assessments with regard to other properties.
 - F. All sales are subject to final approval by the City Council. Title shall close on or before 90 days after the resolution approving the sale is adopted by Vineland City Council and that date shall be considered of the essence. In the event the successful bidder fails to close title within 90 days after the resolution is adopted, the deposit shall be forfeited to the City; and the property shall be offered to the next highest bidder, provided said bid equals or exceeds the minimal sale price. Any such offer and sale shall be subject to all the terms and conditions set forth in this Ordinance.
6. The City does not warrant or certify title to the property, and in no event shall the City, be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason. The purchaser/successful bidder waives any and all right in damages against the City, the sole remedy being the right to receive a refund of the deposit, prior to closing, in the event title is found unmarketable. It

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shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the City shall not be required to refund money or correct any defect in title or be held liable for damages.

7. The submission of a bid shall be considered as an acknowledgment that the person submitting the bid understands and agrees to all the terms and conditions set forth in this Ordinance; and waives any right they may have to otherwise challenge the procedure followed by the City in the connection with the sale of the property. The sale is subject to all of the terms and conditions as provided for in this Ordinance or otherwise in the Notice of Sale and the contract on file with the Vineland Municipal Clerk.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk