

CITY OF VINELAND, NJ

RESOLUTION NO. 2024 - 115

RESOLUTION CONFIRMING THE SALE OF BLOCK 2401,
LOT 3 TO THE HIGHEST BIDDER PURSUANT TO N.J.S.A.
40A:12-13 (a).

WHEREAS, on January 24, 2024, Vineland City Council passed Resolution No. 2024-20 authorizing the advertisement of Block 2401, Lot 3, located on E. Oak Road, for sale to the highest bidder pursuant to N.J.S.A. 40A:12-13 (a) which allows a municipality to sell any real property not needed for public use by open public sale at auction to the highest bidder, after advertisement thereof in a newspaper in circulation in the municipality;

WHEREAS, Block 2401, Lot 3 is vacant land consisting of approximately .47 acres, located on E. Oak Road with an assessed value of \$34,700.00;

WHEREAS, Public Notice advertising the sale of the property to the highest bidder, and reserving the right to reject all bids was published two (2) times, one (1) week apart, in the Daily Journal scheduling the public sale of the property at auction to the highest bidder for March 12, 2024;

WHEREAS, on March 12, 2024 two (2) bidders appeared and bid on the property, the highest bid in the amount of \$30,000.00 was offered by D&D Kuzmicz Construction, LLC (a copy of the Offer is attached);

WHEREAS, the terms and conditions of the sale (a) limited the development of the Lot to construction of a single family home with a minimum of 1,200 sq. feet of living space, plus a basement; (b) maintenance of the Lot in accordance with the City of Vineland's Property Maintenance Code until such time as the lot is developed and a C.O. or T.C.O. is issued; (c) limiting the use of the Lot to a permitted use under the applicable land use laws, or variance granted by the Zoning Board; and d) allowed, subject to the approval of the appropriate land use board, the subdivision of the Lot, and the construction of single family homes with a minimum of 1,200 sq. feet of living space, plus a basement on each of the Lots.

WHEREAS, it is in the public interest to sell the property for \$30,000.00 which will relieve the City of Vineland of the cost of maintaining property and return the property to the tax rolls;

NOW, THEREFORE, BE IT RESOLVED, 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 RESOLVED that the sale of Block 2401, Lot 3, subject to the terms and conditions set forth in the Public Notice, for \$30,000.00 to D&D Kuzmicz Construction, LLC is hereby confirmed;

BE IT FURTHER RESOLVED, that the Mayor of the City of Vineland or the President of Vineland City Council are authorized to execute a Deed transferring the property to &D Kuzmicz Construction, LLC, providing that the property reverts to the City in the event the terms and conditions of the sale are breached, along with any additional documents necessary to transfer the property to D&D Kuzmicz Construction, LLC.

Adopted:

President of Council

ATTEST:

City Clerk

OFFER TO PURCHASE EAST OAK ROAD – BLOCK 2401, LOT 3

THIS OFFER, is made on the 12th day of March, 2024 by DANIEL KUZMIECZ (the “Purchaser”) to the City of Vineland for the purchase of Block 2401, Lot 3, located on East Oak Road (the “Property”) for the amount set forth below in accordance with the terms and conditions set forth in the Legal Notice published in the Daily Journal on February 7, 2024 and February 14, 2024, which are incorporated herein.

The Purchaser has paid to the City of Vineland the sum of set forth below as a deposit and part payment of the purchase money and agrees to complete the purchase in accordance with the terms and conditions set forth in the February 7, 2024, and February 14, 2024, Legal Notices.

The Purchaser acknowledges that the sale is subject to approval by Vineland City Council and that the City has reserved the right to reject all bids. The Purchaser agrees to pay the balance of the purchase price, plus legal fees, advertising costs, preparation of the Deed of Conveyance, recording fees, and all other closing costs, within forty five (45) days of the passage of the Resolution by Vineland City Council confirming the sale. In the event Purchaser fails to complete the purchase within this forty five (45) day period, Purchaser acknowledges that the bid will be rescinded, all rights to purchase the property shall be terminated and the down payment shall be forfeited.

The Purchaser acknowledges that the transfer of title will be by quit claim deed containing a reverter clause providing that the property will revert to the City in the event the terms and conditions of the sale, as set forth in the February 7, 2024 and February 14, 2024 Legal Notices, are not complied with, and that Purchaser will be required to execute and deliver to the City of Vineland a quit claim deed transferring title back to the City of Vineland as security for Purchaser’s promise to comply with the terms and conditions of the sale.

The Purchaser acknowledges that the sale needs to be confirmed by the Vineland City Council and if City Council fails to confirm the sale, any deposit monies received pursuant to the bidding shall be returned, without interest, or any other compensation, and there shall be no further liability between the parties.

The Purchaser acknowledges and agrees that the terms and conditions of the sale as set forth in the February 7, 2024, and February 14, 2024 Legal Notices, shall survive closing and not merge into the deed transferring title.

Purchaser acknowledges that this Offer is a binding Offer and may not be withdrawn or revoked, unless the City cannot convey marketable title.

As witness my hand 12th day of March 2024.

PURCHASER:
X
Name: D+D Kuzmierz Construction
Title: OWNER

Purchase Price: \$ 30,000.00
Deposit: \$ 3,000.00
Balance Due: \$ 27,000.00
Advertising and Closing Costs to be determined

Notice is hereby given in accordance with N.J.S.A. 40A:12-13(a), that the Vineland City Council, Cumberland County, New Jersey will expose at public sale and auction to the highest bidder on March 12, 2024, beginning at 1:30 pm., prevailing time, at 640 E. Wood Street, 4th Floor Conference Room, land and improvements, if any, situated in the City of Vineland, County of Cumberland and State of New Jersey, as described and listed as follows:

ADDRESS	BLOCK & LOT	ZONE	SIZE	ASSESSED VALUE
729 S. Seventh St.	B 4903, L 17	R-3	.19 Acres	\$26,700.00
757 S. East Ave.	B 5010, L 13	R-3	.54 Acres	\$31,200.00
609 S. Sixth St.	B 4115, L 21	R	.22 Acres	\$10,900.00
710 S. Eighth St.	B 4903, L 7	R-3	.23 Acres	\$27,000.00
E. Oak Road	B 2401, L 3	R-3	.47 Acres	\$34,700.00
815 E. Peach St.	B 3006, L 3	R	.17 Acres	\$16,800.00

Take further notice that pursuant to N.J.S.A. 40A:12-13 (a) the City of Vineland reserves the right to reject all bids on any one or more of the parcels listed above.

At the conclusion of the sale, each successful bidder, shall be required to pay ten percent (10%) of the bid, in cash, check, or other acceptable form of payment, as a down payment, and shall execute an offer to purchase the property for the bid price and upon the terms and conditions set forth in this Notice. Failure to make the payment or execute the offer to purchase at the conclusion of the sale shall nullify the bid; and the next highest bidder shall be considered the successful bidder and subject to all the terms and conditions of this Notice. In addition to the bid amount, the successful bidder shall be required to pay the City's legal fees; advertising costs; preparation of the Deed of Conveyance; recording fees, and all other closing costs. The sale is subject to final approval by Vineland City Council which reserves the right, at any time prior to confirmation of the sale made hereunder, to reject all bids on any one or more of the parcels.

The sale of each parcel is conditioned on the following terms and conditions: (a) the development of each parcel is subject to the City of Vineland's Land Use Ordinance or variance granted by the appropriate Land Use Board, and is further limited to construction of a single family home with a minimum of 1,200 sq. feet of living space, plus a basement; (b) the purchaser, or any subsequent transferee, maintaining the property in accordance with the City of Vineland's Property Maintenance Code until such time as the lot is developed and a C.O. or T.C.O. is issued; (c) the purchaser or any subsequent transferee limiting the use of the lot to a permitted use under the City of Vineland's Land Use Law, or variance granted by the Vineland Zoning Board; and (d) if approved by the appropriate Land Use Board, the purchaser may subdivide the property and construct single family homes with a minimum of 1,200 sq. feet of living space, plus a basement on each of the subdivided lots, or combine the lot with adjacent property owned by the successful bidder.

Each parcel will be conveyed by quit claim deed containing a reverter clause providing that the property will revert to the City of Vineland in the event purchaser fails to comply with the terms and conditions set forth in this Notice. The purchaser will be required to execute and deliver a quit claim deed to the City of Vineland returning ownership of the property to the City in the event the terms and conditions set forth in this Notice are not complied with, or returned to the Purchaser upon the issuance of a C.O. or T.C.O. The forms of the deeds are, or will be, on file with the City Clerk's Office for review on advance notice.

Each parcel is being sold "as is" "where is" and "with all faults" to the highest bidder, in accordance with N.J.S.A. 40A:12-13 (a). The City of Vineland is issuing no representations or warranties as to the utility, usability, or physical condition of the property, or the availability of utilities including, but not limited to, sewer and water to or for the property. In addition, no representations are made as to any environmental conditions that may affect the property. The City of Vineland makes no representation as to any previous use of the property and does not guarantee clear title to the property. Each parcel is to be conveyed subject to existing encumbrance, liens, zoning regulations, easements, other restrictions, such facts as a title search would reveal, such facts as an accurate survey would reveal, and any present or future assessments for the construction of improvements benefiting said property. The City of Vineland makes no warranties or variances for construction of a single family home of not less than 1,200 sq. ft. with a basement will be variance for construction of a single family home of not less than 1,200 sq. ft. with a basement will be subject to approval by the appropriate Land Use Board.

The following additional terms and conditions apply to the each sale: (a) the successful bidder is responsible for conducting any and all inspections and testing of each parcel at their own cost; (b) the sale of each parcel is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the City of Vineland; (c) no employee, agent or officer of the City of Vineland has any authority to waive, modify or amend any of the conditions of the sale; (d) the City of Vineland shall not be responsible and will not pay any real estate commission arising out of or in any way connected with the sale of the property; (e) unless otherwise approved by the appropriate land use board, the successful bidder is required to abide by all applicable land use laws, including, but not limited to, the City of Vineland Land Use Ordinance, and to stipulate that the sale will not be used as grounds to support any variance from the City of Vineland Land Use Laws; (f) unless otherwise approved by the appropriate authority each successful bidder is required to comply with all health and building regulations and codes; (g) 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; (h) participation in the public sale and auction shall be considered as an acknowledgment that the person making the bid understands and agrees to all the terms and conditions set forth in this Notice, 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; and (i) bidding shall start at 50% of the assessed value of each lot, rounded up to the nearest thousandth, and proceed thereafter in increments of \$1,000.00. In the event no bids are received for the initial bid amount, bidding will then start at \$1,000.00 and proceed in increments of \$1,000.00.

A quit claim deed shall be the document of conveyance and no warranties or representations as to title are made by the City of Vineland. If, however, the City is unable to convey marketable title, any deposit monies received will be returned without interest or any other compensation, and there shall be no further liability between the parties.

All bids shall be referred to the Vineland City Council for review and final approval by Resolution not later than at the second regular meeting of Vineland City Council following the sale. In the event City Council fails to accept the highest bid at or before its second regular meeting after the sale, all bids shall be deemed to have been rejected. The confirmation of the sale by the Vineland City Council shall be a complete acceptance of the bid and, thereafter, within forty five days from said confirmation, settlement must be completed. In the event of default by the successful bidder to complete settlement within the time allowed, the bid shall be rescinded, all rights of the successful bidder shall be terminated and the down payment shall be forfeited.

Keith Petrosky, RMC
 City of Vineland
 Pub. Dates: 02/07/24 & 02/14/24
 The Vineland Daily Journal
 Pub. Fee: \$166.16

01-3250100