

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 15th day of September, 2015, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 13th day of October, 2015 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE NO. 15-22

**AN ORDINANCE AUTHORIZING SALE OF LAND
WITHOUT PUBLIC AUCTION**

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of certain lands owned by a municipality where such lands are less than the minimum size required for development; and

WHEREAS, such sale opportunity is limited to the owners of property contiguous to the subject property which is Lot 19, Block 1907, and therefore only the owners of Lot 20, Block 1907 and Lot 18, Block 1907 are eligible to bid; and

WHEREAS, the Governing Body has determined that Lot 19, Block 1907, having dimensions of 25' by 100', meets the statutory criteria of N.J.S.A. 40A:12-13(b)(5) and that the said lands are not needed for public purposes; and

WHEREAS, the sale of such lands is in the best interests of the Borough of Westwood.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Westwood as follows:

1. The Governing Body of the Borough of Westwood has determined that the Fair Market Value of said land is \$5,000.00 and it shall offer that land known as Block 1907, Lot 19, as shown on the Borough Tax Records, for the minimum price of \$5,000.00.
2. The sale shall be to the party (limited to the contiguous owners) submitting the highest bid equal to or in excess of the listed price. The terms of the sale shall be payment in full by bank check and that closing shall occur and that the Borough shall deliver marketable title, with closing to occur within forty-five (45) days of the awarded bid.

3. The Deed of Conveyance for said property shall contain the following restriction which shall be binding upon the heirs, successors and assigns of the purchaser:

“THE WITHIN LANDS SHALL BE MERGED WITH THE LANDS COMMONLY KNOWN AS LOT _____, BLOCK _____, WHICH LANDS ARE OWNED BY THE GRANTEE HEREOF. SAID MERGED LANDS SHALL HEREAFTER NOT BE USED OR SUBDIVIDED IN ANY WAY EXCEPT AS PART OF A CONFORMING LOT BEING USED IN CONFORMANCE WITH THE USE AND BULK REGULATIONS SET FORTH IN THE WESTWOOD LAND USE ORDINANCE AS MAY FROM TIME TO TIME BE AMENDED.”

BE IT FURTHER ORDAINED that the Governing Body finds and determines, in accordance with N.J.S.A. 40A:12-13(b)(5) that the minimum purchase price for this property in its setting and as the future use of the property is limited by this Ordinance and is equal to or greater than the fair market value of the subject property based upon appraisals of similar properties and tax assessment practices within the Borough.

The Governing Body retains the right, as mandated by statute, to reconsider this Ordinance not later than thirty (30) days from the date hereof.

A copy of this Ordinance shall be posted on the bulletin board of the Governing Body and published in the official newspaper of the Borough of Westwood within five (5) days following the adoption hereof.

Written offers for the property so identified and listed in this Ordinance may be made to the Clerk for the Borough of Westwood for a period of twenty (20) days following the adoption and advertisement hereof. The Borough Clerk is Karen Hughes and offers should be directed by personal delivery or certified mail to 101 Washington Avenue, Westwood, New Jersey 07675, not later than twenty (20) days after the advertisement. Any such offer shall be accompanied by a certified or bank check in an amount not less than ten (10%) percent of the bid price, which check shall be made payable to the Borough of Westwood. All such offers shall be in a sealed envelope with the following printed on the outside:

“Offer to Purchase Lot 19, Block 1907, Submitted By: _____”.

The time within which to submit bids shall close at the conclusion of the twenty (20) day period aforementioned, or such further period, as extended. The Borough of Westwood reserves the right to reject any and all bids and to waive any irregularities therein to the maximum extent provided by law.

Closing of title shall occur at the offices of Huntington Bailey, L.L.P., 373 Kinderkamack Road, Westwood, New Jersey 07675 at which time the Borough shall deliver a Deed and such other documents as may be required to grant clear title in exchange for a bank check payable to the

Borough for \$5,000.00. At Buyer's request Borough will record the Deed. Title to be conveyed shall be insurable by a New Jersey licensed title company at regular rates, however, conveyance shall be by quit claim deed. If title is not acceptable, the transaction shall be void and deposit shall be returned and the Borough shall have no other responsibility.

Any Ordinance or a part thereof which is inconsistent with the provisions of this Ordinance shall be, and is, hereby amended.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk