

**TOWNSHIP OF FRANKLIN
O-11-2020**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF GLOUCESTER,
AND STATE OF NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF CERTAIN
FRANKLIN TOWNSHIP OWNED PROPERTY PURSUANT TO N.J.S.A. 40A:12-13(b)
BLOCK 4819, LOTS 1-9, Block 4820 Lot 9**

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the private sale of municipally owned real property no longer needed for public use to contiguous land owners where said property is vacant and unable to be developed separately pursuant to municipal zoning ordinances or otherwise qualifies for a private sale; and

WHEREAS, The Township of Franklin has determined that Block 4820, Lots 1-9, and Block 4820 Lot 9, with the approximate size of all Lots being less than one acre, which are municipally owned land are not necessary for public use and are each less than the minimum size required for development under the Municipal Zoning Ordinance without any capital improvements thereon; and

WHEREAS, the Governing Body of the Township of Franklin has determined that said properties would be of better value as a privately owned tax ratable.

NOW THEREFORE, be it Ordained by the Mayor and Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, as follows:

SECTION 1: The real property known as Block 4819, Lots 1-9 and Block 4820, Lot 9 on the Franklin Township Tax Map with the approximate lot size of each Lots being less than one acre shall be advertised for private sale to contiguous land owners pursuant to requirements of N.J.S.A. 40A:12-13(b) for all lots consisting of Block 4819, Lots 1-9 and Block 4820, Lot 9 for a minimum bid of One Hundred Twenty Thousand (\$120,000.00) Dollars, which is not less than the fair market value of said real properties.

SECTION 2: A Notice of Sale shall be posted on the Township website with a copy of same mailed to all contiguous property owners immediately following the date of the adoption of this Ordinance.

SECTION 3:

A. The Township shall accept offers/bids from contiguous property owners for a period of twenty (20) days from the date of newspaper advertisement. All bids must be received in a sealed envelope addressed to the Township of Franklin, Attention Franklin Township Clerk.

B. Said properties are being offered for sale to contiguous property owners as either undersized, landlocked, or otherwise restricted lots unable to be separately developed with the condition that the Township is issuing no representations or warranties as to the permissibility or advisability of the property's use, including but not limited to sewer and water capacity availability to or for the property and of any limiting environmental conditions including the presence of wetlands. The successful bidder is solely responsible for obtaining any and all necessary local, county or state permits and/or approvals for use of the property or for constructing any improvement on the property. The Township makes no representation as to any previous use of the property and does not guarantee clear title to the property.

C. All bids shall be referred to the Township Governing Body for final review and approval which shall be by Resolution not later than at the second regular meeting which may be adjourned from time to time of the Mayor and Township Committee of Franklin Township following the sale.

D. The successful bidder shall be required to pay all conveyancing expenses including legal fees, advertising costs, Deed preparation and Recording Fees and to provide at its own expense a title search, land survey no older than six months from the date of the offer/bid and legal description to the Township for preparation of the Deed of Conveyance by the Township, unless waived by the Township.

E. The minimum purchase price for all lots consisting of Block 4819, Lots 1-9 and Block 4820, Lot 9 will be One Hundred Twenty Thousand (\$120,000.00) Dollars, with all other conditions of sale as described herein.

F. A Bargain and Sale Deed will be the document of conveyance and no warranties or representations as to title are made by the Township. If, however, the Township is unable to convey marketable title, the private sale shall be null and void and of no further effect. In addition any deposit monies received pursuant to this bidding procedure shall be returned.

G. The confirmation of the sale by the Governing Body shall be a complete acceptance of the bid and, thereafter, within thirty (30) days from said confirmation, settlement must be completed by the successful bidder. In the event the successful bidder defaults and fails to complete the settlement within the time period allowed, the Township shall be entitled to rescind the prior approval, terminate all rights of the designated bidder and the down payment shall be forfeited to the Township. Said time period may only be extended for good cause documented to and approved by the Township.

H. A deposit not exceeding ten percent (10%) of the minimum bid price of the tract of land on which the bid is submitted shall be paid by the successful bidder in cash, cashiers check or certified check within seventy-two (72) hours of notification from the Township that said party is the successful bidder. Failure to make the payment in the time period required will nullify said bid and the Township will notify the next highest bidder, if any, of being the successful bidder.

I. The lots being offered for sale is subject to existing liens, encumbrances, judgments, zoning regulations, easements, and any other regulations, which such facts would be revealed by a title report and an accurate survey which the Township has not undertaken.

J. The purchaser shall be the responsible party to terminate any and all existing tenancies, and not limited to resolving all existing encroachment and title issues.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION. 5: This Ordinance shall take effect immediately upon adoption and publication as required by law.

BARBARA FREIJOMIL, RMC

JOHN BRUNO, MAYOR

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the Township of Franklin held on September 22, 2020 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on October 13, 2020, at which time any person interested therein will be given an opportunity to be heard.

BARBARA FREIJOMIL, RMC
Township Clerk

Introduced September 22, 2020

Name	Yes	No	Abstain	Absent
Mr. Doyle				
Ms. Flaim				
Ms. Petsch-Wilson				
Mr. Deegan				
Mayor Bruno				

Adopted October 13, 2020

Name	Yes	No	Abstain	Absent
Mr. Doyle				
Ms. Flaim				
Ms. Petsch-Wilson				
Mr. Deegan				
Mayor Bruno				