

**SUSSEX BOROUGH  
ORDINANCE 2022-05**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE  
BOROUGH OF SUSSEX TO BE SOLD AT PRIVATE SALE  
IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5).**

**WHEREAS**, the Sussex Borough Council has determined that various tracts of municipally owned land, as shown on Schedule A attached, consisting of undersized parcels of land, are no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5), and

**WHEREAS**, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use,

**NOW, THEREFORE, BE IT ORDAINED** by the Sussex Borough Council that municipally owned land contained in Schedule A shall be sold by private sale. The property is being sold by the Borough “as is”.

**BE IT FURTHER ORDAINED**, in accordance with N.J.S.A. 40A:12-13(b)(5), the property is being offered to the adjacent property owners as they are undersized lots.

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

1. The lands and premises are being sold subject to the express condition that any lot sold 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.
2. The Borough Council reserves the right to reject all bids.
3. The minimum bid the Borough will consider is as provided for in Schedule A, plus the cost of recording deeds, and agrees that deeds shall be recorded on behalf of the purchaser by the Borough Attorney.
4. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a “Bid for Block \_\_\_\_, Lot \_\_\_\_”, and shall be submitted on or before May 26, 2022 at 10:00 am.
5. **Potential Bidders are advised:**
  - A. To conduct all necessary title searches prior to the date of the sale
  - B. That the descriptions of the properties are intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Sussex as to the conditions of the property; the premises are being sold in their present conditions “as is”.
  - C. A percolation test may be performed, at the expense of the prospective bidder, prior to the date of sale according to the provisions of the Health Code of the Borough of Sussex. Anyone wishing to have a test performed shall contact the applicable Health Department.
  - D. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Sussex.
  - E. That no employee, agent or officer of the Borough of Sussex has any authority to waive, modify or amend any of the conditions of the sale.
  - F. That offers for any and all of the properties must be made for a sum equal or greater to the minimum bid price listed on the attached Schedule A.
  - G. The property will be conveyed by a Quit Claim Deed and such conveyance

shall be subject to all 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.

**6. Additional Terms the Successful Bidder must comply with:**

- A. Bidder shall deposit cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Borough will re-auction the property at the same sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
  - B. The property purchased shall be merged with the bidder's existing property. The successful bidder shall present to the Borough Clerk two weeks prior to the time of closing, a copy of a deed showing that the bidder's existing property and the purchased property are described as one lot.
  - C. Pay at the time of closing:
    - (1) The balance of the purchase price
    - (2) The cost of recording deeds and agrees that deeds shall be recorded on behalf of the purchaser by the Borough Attorney.
  - D. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
  - E. 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.
  - F. That the failure to close title as agreed shall forfeit to the Borough of Sussex any and all money deposited with the Borough.
  - G. That 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. That the title shall close on or before August 5, 2022, and that date shall be considered time of the essence. The Borough reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
  - I. The Borough reserves the right to withdraw the offer of sale and reject any and all bids.
  - J. All sales are subject to final approval by the Borough Council.
  - K. Parties interested in submitting bids and who require additional information, should contact Antoinette Smith, Clerk/Administrator, Borough Hall, 2 Main Street, Sussex, NJ 07461.
7. The Borough does not warrant or certify title to the property and in no event shall the Borough of Sussex be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Borough, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It 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 Borough shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.
8. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser

shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

9. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.
10. In the event no adjacent property owner submits a bid equal to or greater than the minimum bid price as provided for in Section 3 of this Ordinance, or in the event two or more adjoining property owners submit identical bids which meet or exceed the bid price, a public sale shall take place on the date and time provide for in Section 4 of this Ordinance after all bids have been opened. The terms of the public sale shall be to the highest bidder with a 10% deposit and the balance paid by August 5, 2022. All other terms and conditions of this Ordinance shall apply to the public sale.

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

Attest:

\_\_\_\_\_  
Antoinette Smith, Borough Clerk

\_\_\_\_\_  
Edward Meyer, Mayor

### **NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance 2022-05 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on April 5, 2022 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on April 19, 2022 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. or via the internet, connectivity information available at [www.sussexboro.com](http://www.sussexboro.com) and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

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Antoinette Smith, RMC

**SCHEDULE "A"**  
**BOROUGH OWNED PROPERTIES**

<b><u>Property Location</u></b>	<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Zone</u></b>
Linden Street	301.04	216	R-1
5 Cedar Ave	301.07	51	R-1
Lakeshore Dr	301.12	416	R-1
27 Highland Ave	604	19	R-1

These properties are deemed to be less than the minimum size required for development as provided for in N.J.S.A. 40A:12-13(b)(5) and, as such, the adjoining property owners shall have the right of first refusal to purchase the property as provided for in the body of the ordinance. The Minimum Bid the Borough will consider on any lot is \$1,000.00.