



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-23-04

AUTHORIZING THE PRIVATE SALE OF BLOCK 101, LOT 3.03 IN THE BOROUGH OF HIGHLANDS, STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Highlands (hereafter the “Borough”) is the owner of real property known as Block 101, Lot 3 located on Locust Street in the Borough of Highlands, County of Monmouth, State of New Jersey and is in the process of subdividing the lot into four lots, with one of the lots to be known as Block 101, Lot 3.03; and

WHEREAS, approval for the subdivision has been received by the Borough, and perfecting of the subdivision is pending adoption of a Resolution memorializing said approval by the Land Use Board; and

WHEREAS, the newly created Lot 3.03 will be an undersized, undevelopable and landlocked parcel and is located in the WC-2 Zone (hereinafter the “Property”); and

WHEREAS, the only property contiguous to Lot 3.03 aside from Borough-owned property is Block 101, Lot 4; and

WHEREAS, the Borough entered into a Memorandum of Understanding and First Amendment to Memorandum of Understanding with the owners of Block 101, Lot 4 which is contiguous to the newly created Lot 3.03 for the sale of the Property to the contiguous property owners; and

WHEREAS, in accordance with the terms of the Memoranda of Understanding, the Borough intends to sell Lot 3.03 to the owners of the contiguous lot, subsequent to the adoption of the Resolution by the Land Use Board and perfecting of the subdivision; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Township to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where municipally owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, due to the fact that there is one contiguous property owner, public bidding for the sale of the Property is not necessary; and

WHEREAS, the governing body of the Borough of Highlands has determined that the Property is not needed for public use, the sale of the Property will return the Property to the tax rolls, and it is in the best interests of the Borough to offer the Property for sale at a private sale to the owner of the contiguous property.

NOW THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

SECTION I. The Borough of Highlands is the owner of the about to be newly created Block 101, Lot 3.03 which will be an undersized, undevelopable, landlocked parcel located in the WC-2 Zone.

SECTION II. In accordance with the Memorandum of Agreement and First Amendment to Memorandum of Agreement, it is the intention of the Borough to sell the Property to the owners of Block 101, Lot 4 which is contiguous to the newly created Lot 3.03 subsequent to adoption of a Resolution by the Borough of Highlands Land Use Board memorializing approval of the subdivision and perfecting of the subdivision. The purchase price shall be the agreed-upon fair market value of \$20,000.

SECTION III. The Borough of Highlands hereby authorizes the sale of newly created Block 101, Lot 3.03 to the owners of Block 101, Lot 4 upon completion of perfecting the subdivision, and further authorizes the Mayor, Municipal Clerk and Administrator to execute any and all documents necessary in order to effectuate the sale of the Property.

SECTION IV. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION V. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VI. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

First Reading and Set Hearing Date for O-23-04:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: March 1, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-23-04:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: March 15, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands

Carolyn Broullon, Mayor