



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-22-24

AUTHORIZING THE SALE OF BLOCK 47, LOT 10 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AT AUCTION PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Highlands is the owner of real property with an address of 124 Bay Avenue and known as Block 47, Lot 10 in the Borough of Highlands, County of Ocean, State of New Jersey (collectively the “Property”); and

WHEREAS, the Property is an unimproved parcel located in the Central Business District. The Property is rectangular in shape, containing approximately 2,500 sq. ft. in area; and

WHEREAS, the Borough of Highlands acquired the Property through an in rem tax foreclosure, Docket No. F-15809-97, with a Final Judgment being recorded with the Monmouth County Clerk on October 12, 2001 in Book OR-8058, Page 5748; and

WHEREAS, the Property remains subject to Restrictive Covenants as set forth in Deed Book 872 Page 101; and

WHEREAS, N.J.S.A. 40A:12-13 authorizes the Borough to sell municipally owned real property to the highest bidder by open public bidding at auction or by submission of sealed bids; and

WHEREAS, the governing body of the Borough of Highlands has determined that the Property is not needed for public use, and the sale of the Property to the highest bidder is in the best interests of the Borough of Highlands; and

NOW THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. The Borough of Highlands is the owner of the following land located within the Borough of Highlands (hereinafter referred to as the “Property”):

Block 47, Lot 10 a rectangular parcel fronting Bay Avenue in the Borough of Highlands, New Jersey, which is located in the Central Business District Zone, and subject to all easements and restrictions of record and not of record, including but not limited to Restrictive Covenants as set forth in Deed Book 872 Page 101.

SECTION II. The following conditions for the sale of the Property apply:

- (a) The minimum bid for the Property shall be \$57,800.00.

(b) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all and not to award to the highest bidder. The Borough reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough.

(c) The highest bidder will be the purchaser. Within 10 days of notice of acceptance of their bid, the highest bidder shall deposit cash, check, or money order in the amount of 10 percent of the bid price with the Borough Clerk. If the highest bidder fails to deposit such amount, the Borough may re-auction the Property.

(d) The successful bidder will execute a contract for the purchase of the Property upon completion of bidding and its payment of the required deposit.

(e) The sale of the Property shall be made subject to the terms, conditions, restrictions and limitations of a contract of sale, which shall include but not be limited to the following terms and conditions:

- 1) The Property is being sold in an "AS IS – WHERE IS" condition. The successful bidder is responsible for conducting any and all inspections, surveys, and testing of the Property at its own cost and expense.
- 2) The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
- 3) No representation is made by the Borough as to the utility, usability or environmental condition of the Property.
- 4) The Borough does not guarantee the construction of any road, water or sewer line, curb, gutter, sidewalk, drainage facility or other improvement or utility on, at or near the Property that is sold.

(f) Failure to close title within sixty (60) days of acceptance of the bid, unless such date is extended in the sole discretion of the Borough for good cause, shall forfeit to the Borough of Highlands any and all money deposited with the Borough.

(g) The Borough reserves the right to withdraw the offer of sale and reject any and all bids.

(h) It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the Property prior to the date of

bid submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential bidders exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Borough of Highlands shall not be responsible for the costs associated with such searches in the event that a bid is rejected.

(i) Parties interested in submitting bids and who require additional information, should contact Michael Muscillo, Borough Administrator, 42 Shore Drive, Highlands, NJ 07732.

(j) 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.

SECTION III. Notice of the Borough's intention to sell the Property, the minimum bid price therefor, and the method of bidding shall be published in a newspaper circulating in the Borough by two insertions at least once a week during two consecutive weeks. Said notice and a certified copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough offices. Any offer(s) for the Property may thereafter be made to the Borough Administrator for a period of twenty (20) days following the newspaper advertisement, for not less than the minimum price provided herein. If awarded, the contract shall be awarded to the highest bidder in excess of the minimum bid price for 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 and publication as provided by law.

First Reading and Set Hearing Date for O-22-24:

	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: December 7, 2022

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-22-24:

	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: December 21, 2022

Nancy Tran, Municipal Clerk
Borough of Highlands

Carolyn Broullon, Mayor