

ORDINANCE NO. 2025-1533

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN
BOROUGH-OWNED LAND NO LONGER NEEDED FOR PUBLIC USE TO
CONTIGUOUS PROPERTY OWNERS IN ACCORDANCE WITH
LOCAL LANDS AND BUILDING LAW, N.J.S.A. 40A:12-1, ET SEQ.**

WHEREAS, the State 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; and

WHEREAS, specifically N.J.S.A. 40A:12-13(b)(5) allows the sale of municipally-owned property at a private sale, instead of an auction, under the following circumstances:

A sale to the owners of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any sale shall be for not less than the fair market value of said real property; and,

WHEREAS, the Governing Body has determined that certain municipally-owned properties can be sold pursuant to private sale in accordance with the foregoing, because they are vacant, undersized lots; and

WHEREAS, the properties at issue are designated on the official tax maps of the Borough of Tinton Falls as: (1) Block 9.02, Lot 5; and (2) Block 10.02, Lot 18; and

WHEREAS, the Borough Clerk has provided written notice to all adjoining property owners of the offer to sell the respective properties to the highest bidder, for a price not less than the fair market value; and

WHEREAS, the Borough has received one bid for Block 9.02, Lot 5, from Henry Richardson, and has received one bid for Block 10.02, Lot 18, from Christopher Rue and Daniel McGurk; and

WHEREAS, each of the bidders has bid for the respective properties for the minimum bid price as set by the Borough, which is \$16,000.00 for Block 9.02, Lot 5 and \$13,400.00 for Block 10.01, Lot 18; and

WHEREAS, the Borough has set conditions on the sales of the two parcels, which include: (i) the property being sold will be deemed to be merged into the property of the winning bidder

and will not be a separate buildable lot; (ii) the purchaser may place accessory structures on the property, such as a shed or fence, but will not be able to build a separate home; (iii) title to the property must be taken under the name of the contiguous property owner; and (iv) after the sales have closed, the Borough will be vacating the public right-of-way known as "Orchard Street" that adjoins the properties; and

WHEREAS, the Governing Body, based on recommendations of the Borough Attorney and Borough Engineer, has determined that the properties at issue are no longer useful to the Borough and desire to authorize the sale thereof in accordance with applicable law as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, as follows:

SECTION 1. The vacant property designated as Block 9.02, Lot 5 shall be sold, via private sale, to Henry Richardson, for the sale price of \$16,000.00, subject to the conditions set forth herein. The property is being sold by the Borough "as is." No representations of any kind are made by the Borough as to the conditions of the property.

SECTION 2. The vacant property known as Block 10.02, Lot 18, shall be sold via private sale to Christopher Rue and Daniel McGurk, for the sale price of \$13,400.00, subject to the conditions set forth herein. The property is being sold by the Borough "as is." No representations of any kind are made by the Borough as to the conditions of the property.

SECTION 3. The sales are expressly conditioned on the following:

- a. 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 Tinton Falls;
- b. No employee, agent or officer of the Borough of Tinton Falls has the authority to waive, modify, or amend any conditions of the sale;
- c. The property will be conveyed by a Quitclaim Deed and any such conveyance shall be subject to all covenants, restrictions, reservations and easements established by record or by prescription and without representation as to character of title being conveyed.

SECTION 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 5. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced:

Adopted:

LAWRENCE DOBRIN
COUNCIL PRESIDENT

RISA CLAY
MAYOR

ATTEST:

MICHELLE HUTCHINSON
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.
DIRECTOR OF LAW