

RESOLUTION 2022-137

RESOLUTION AUTHORIZING THE SALE AT PUBLIC AUCTION OF CERTAIN LANDS NOT NEEDED FOR PUBLIC USE IN THE BOROUGH OF CHESILHURST

WHEREAS, the Borough of Chesilhurst (the "Borough") presently holds title to the lands and premises, hereinafter referred to individually as a "Parcel" or collectively the "Parcels."

WHEREAS, the Local Lands and Buildings 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;

WHEREAS, the Borough has determined that each of the Parcels are not required or needed for any public purpose now or to be anticipated and the public interest is best served by restoring said Parcels to the tax rolls;

WHEREAS, the Borough Council, through consultation and recommendations from the Borough Solicitor and Borough Tax Assessor, has determined it is deemed advisable to sell said Parcels pursuant to N.J.S.A. 40A:12-1, et seq., in accordance with the Minimum Bid(s) listed below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Chesilhurst, County of Camden, State of New Jersey, that the lands and premises hereinafter described, be sold via a Public Auction at the **BOROUGH MUNICIPAL BUILDING, 201 GRANT AVENUE, CHESILHURST, NEW JERSEY ON OCTOBER 19, 2022, AT 10:00 A.M.**;

EACH PARCEL identified below shall be offered and sold as a single and separate parcel at Public Auction, pursuant to N.J.S.A. 40A:12-13(a). The auction shall be by oral bid, and shall be subject to the conditions set forth hereinafter.

PARCEL	LOCATION	MINIMUM BID	SIZE
Block 107, Lots 1 and 2	Francis Avenue (vacant)	\$89,000	5.16 Acres
Block 109, Lot 30	15 Fifth Avenue (existing residential structure)	\$100,000	169 x 250 (IRR)
Block 109, Lots 32, 33, and 35	Siegried Avenue (vacant)	\$40,000	2.54 Acres
Block 205, Lot 6	Hayes Avenue (vacant)	\$10,000	200 x 150
Block 205, Lots 9 and 5	Hayes Avenue (vacant)	\$28,000	200 x 300
Block 205, Lots 10 and 4	Hayes Avenue (vacant)	\$21,000	150 x 300
Block 219, Lot 1	Hayes Mill Road (vacant)	\$30,000	1.88 Acres
Block 506, Lot 3	803 Fourth Avenue (existing residential structure)	\$60,000	150 x 150
Block 515, Lot 8	Center Avenue (vacant)	\$20,000	250 x 150
Block 902, Lot 1	216 Hendricks Avenue (existing residential structure)	\$60,000	100 x 150

1. No bid less than the applicable Minimum Bids set forth above will be received or considered for each of the tracts.
2. Any person bidding upon the aforesaid lands and premises shall, by the act of such bidding accept these conditions of sale. Unless a bid shall exceed the bid immediately preceding it by at least One Hundred Dollars (\$100.00), it shall not be acceptable. The bid shall not be assignable without the written consent of the Borough. No bid shall be acceptable unless it is made orally. The Borough reserves the right to withdraw from sale any of said lands and premises for any reason whatsoever prior to the time said lands and premises are struck to the successful bidder.
3. The above Parcels shall be sold individually, and the highest bidder shall be subject to the approval of the Borough. As soon as the sale is concluded or at any other subsequent time, as required by the Borough, the highest bidder shall sign a Contract of Sale of Real Estate ("Contract").
4. The Successful Bidder for the said Parcel shall be required to immediately pay ten percent (10%) of the amount of his/her bid, in cash or by certified check or cashier's check, and to sign the Contract incorporating all conditions by reference. The Successful Bidder's 10% deposit shall be credited toward the sale price.
5. Closing on any sale of the above Parcels shall take place not more than one-hundred twenty (120) days following the confirmation of such sale and acceptance of the bid from the Successful Bidder on each Parcel. At closing the balance of the purchase price shall be paid by the Successful Bidder, at which time a properly executed Bargain and Sale Deed shall be delivered to the Successful Bidder. The Borough may extend such 120-day period if, in its discretion, good cause exists for such extension.
6. As a condition of sale of each Parcel, the Successful Bidder shall be required to pay at closing the costs of: (i) legal fees not to exceed \$1,200.00 incurred on behalf of the Borough in connection with the sale; and (ii) all other costs and settlement costs incurred by the Borough to affect the sale pursuant to law, including those normally charged to seller.
7. A Bargain and Sale deed for each Parcel will be prepared by the Borough Solicitor, executed by the proper Borough Officials, and recorded at the expense of the Successful Bidder.
8. The Successful Bidder shall order a title commitment and the Successful Bidder's title company shall be the closing agent for the transaction. Title searches and insurance, if applicable, shall be at the expense of the Successful Bidder. Any required subdivision shall be done at the sole expense of the Successful Bidder.
9. In the event the Borough shall be unable to deliver a good marketable title, the Successful Bidder shall not have the right to sue for damages, expenses or specific performances, but shall be entitled to a return of the deposit or any part paid on account of the purchase price; nor shall the delivery of the deed by the Borough and the acceptance of the same by the Successful Bidder entitle the purchaser to any actions, suits, or demands, in the event the deed does not convey a good marketable title, but the Successful Bidder shall be entitled to a return of the full amount of the consideration paid.
10. In the event the Successful Bidder shall fail to make settlement as herein provided, the deposit paid shall be forfeited as herein provided. The deposit paid shall be forfeited as liquidated damages and not as a penalty.
11. The Borough reserves the right to reject any and all bids.
12. The Borough reserves the right to withdraw any of the above-referenced Parcels from its inclusion of the list of Parcels to be publicly auctioned for sale. The withdraw of one (1) or more Parcels shall not result in the cancellation of the public auction and/or sale(s) of any Parcels that are not withdrawn.

13. The Successful Bidder shall agree to pay taxes on the aforesaid lands and premises, in a sum equal to the proportionate amount of taxes that would have been due against the same, at the current tax rate, using as a valuation the current valuation reflected by the Borough's records.
14. Use of the lands and premises shall be subject to the Borough's Land Development Ordinance, and any other applicable ordinances and/or local, State, and Federal laws and regulations.
15. Any improvements constructed on the premises and the contents thereof shall be conveyed in "as is" condition. The Borough makes no warranties, express or implied, as to any part or position of said improvements or any equipment contained therein.
16. Time shall be of the essence.
17. Other terms of sale may be announced at the time of sale.

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to publish notice(s) of the public auction and sale(s) in accordance with the laws of the State of New Jersey.

BE IT FURTHER RESOLVED that the Mayor and/or her designee, along with the Borough Solicitor, on behalf of the Borough, shall be authorized to take all steps necessary and legally required to conclude and close the sale of the Parcels described above.

This Resolution shall take effect immediately upon final passage, approval, and publication, as provided by law.

ADOPTED: September 1, 2022

BOROUGH OF CHESILHURST

Hon. Jamila Bremmer, MAYOR

Gloria Rose, BOROUGH CLERK