

BOROUGH OF BUTLER

ORDINANCE NO. 2021 - 19

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF BUTLER (BLOCK 27.01, LOT 12.02 – CAREY AVENUE) NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Borough of Butler is the owner of certain real property not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the same.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Butler, in the County of Morris and State of New Jersey, as follows:

1. The following property shall be offered for sale, pursuant to N.J.S.A. 40A:12-13 to the highest bidder provided that the Borough Council reserves the right to reject any and all bids it deems inadequate. The property will be sold by auction to be held at the office of the Borough Clerk on September 28, 2021, at 10:00 a.m.

BLOCK	LOT	MINIMUM BID
27.01	12.02	None

2. The property sold shall be subject to the following restrictions in term of sale:

- i. To conduct all necessary title searches prior to the date of sale.
- ii. That no representations of any kind are made by the Borough of Butler as to the condition of the property, said premises are being sold in their present condition "as is".

3. That the sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Borough Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements of personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures to be constructed thereon, or as to the

demolition, repair or reconstruction of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

4. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Butler.

5. That should the title to the property prove to be unmarketable for any reason, the liability of the Borough shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim of un-marketability must be served on the Borough Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Borough Council, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

6. That no employee, agent or officer of the Borough of Butler has any authority to waive, modify or amend any of the conditions of sale.

7. The successful bidders agree to the following conditions:

- i. To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.
- iii. To pay by the time of closing:
 - a. The balance of the purchase price together with payment of the outstanding open sewer assessment on the property.
 - b. The cost of preparation of all legal documents, including any special property description.
 - c. The cost of advertisement of the sale.
 - d. The cost of recording Deeds and agree that Deeds shall be recorded on behalf of the purchaser by the Borough Attorney.
- iv. To pay prorated real estate taxes for the balance of the current year as of the date of closing.
- v. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations.
- vi. That the failure to close title as agreed shall forfeit to the Borough of Butler any and all money deposited with the Borough.
- vii. 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 assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

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

9. All sales are subject to final approval by the Borough Council. Parties interested in submitting bids and who require additional information should contact:

James Lampmann, Borough Administrator
Borough of Butler
1 Ace Road
Butler, NJ 07405

10. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

11. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

12. This Ordinance shall take effect after final passage and publication in the manner provided by law.

Introduced this 17 day of
August, 2021.

Mary O'Keefe, Borough Clerk

Ryan Martinez, Mayor