

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ELSINBORO, SALEM COUNTY STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LAND NO LONGER NEEDED FOR PUBLIC USE PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township of Elsinboro is the owner of certain lands within the Township of Elsinboro; and

WHEREAS, Mayor and Township Committee do hereby determine that the land and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Mayor and Township Committee desires to make available for public sale said land in accordance with N.J.S.A. 40A:12-13(a) with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee, as follows:

Section 1. Authorization for Sale

The Mayor and Township Committee hereby declare that the land and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.

Section 2. Auction

The Mayor and Township Committee hereby authorize and direct the Municipal Clerk to offer for sale to the highest bidder by open public sale at auction, the property described in Schedule A attached hereto and made a part hereof, subsequent to the receipt of refusals to purchase said lands which are of non-conforming size by their contiguous property owners who have such a right pursuant to N.J.S.A. 40A:12-13.2.

Section 3. Terms and Conditions of Auction

- a. The public sale shall take place at the Elsinboro Municipal Building, 619 Salem – Ft. Elfsborg Rd, Salem New Jersey 08079 on June 3, 2025 at 3:00 P.M. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.
- b. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder.
- c. The successful bidder at the time of sale must present a certified check, money order or cash in the amount of ten (10%) percent of the bid. The balance of the purchase price, together with the costs of sale and legal expenses, shall be paid at closing which shall occur not later than sixty (60) days following the acceptance of the bid by resolution adopted by the Borough. The purchaser shall be entitled to possession immediately following closing of title. In the event the successful bidder fails to close on the property, said bidder shall forfeit the ten percent (10%) deposit.

- d. At closing of title, purchaser shall submit an additional sum of money equal to the costs of all advertising of the sale and, if requested, the recording of the Township Deed.
- e. The Township reserves the right to accept or reject any and all bids at the public sale.
- f. Purchaser agrees to pay taxes on the aforesaid lands and premises 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. Purchaser also agrees to pay all settlement costs, including those normally charged to seller.
- g. Any improvements constructed on the premises and the contents thereof shall be conveyed in "as is" condition. The Township makes no warranties, express or implied, as to any part or position of said improvements or any equipment contained herein.
- h. The sale by the Township of lots that are undersized, located on unimproved roads, landlocked or otherwise non-conforming, shall in no way be construed as an indication that building permits can be secured for said lots.
- i. In the event that contiguous property owners exercise their right to purchase in accordance with N.J.S.A. 40A:12-13.2, the sale shall be made to the highest bidder among them. If only one contiguous property owner extends an offer to purchase said lot, the same shall be conveyed to him, provided the price offered is at least the minimum value of the property as set forth in Schedule A and the offer is acceptable to the Township of Elsinboro.
- j. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate deed, prepared at the expense of the purchaser, is forwarded to the Township's attorney for review and approval prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough. If no such description is received, the conveyance shall be made by Quitclaim Deed and by utilization of tax lot and block designations.
- k. Acceptable bids shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale. The Township 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 Township. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth above.
- l. This Ordinance shall constitute and serve as the public notice to be published in a newspaper circulating in the Township at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

Section 3. Marketing and Notification of Auction

The Township Committee directs that notice of the auction be posted in the Municipal Building, that the sale be advertised in local newspapers and on the municipality's website within 5 days of the adoption of this ordinance, at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

Section 4. Execution of Documents

Acceptable bids shall be confirmed by Resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale. Upon the adoption of such Resolution, the Mayor, or their designated representative, is hereby authorized to execute all necessary documents to effectuate the sale of the lands described in this resolution.

Section 5. Reporting of Sale

The Municipal Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection N.J.S.A. 40A:12-13(b)(5)

Section 6. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

The above ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Elsinboro on the 3rd day of March, 2025, at the Township Hall, 619 Salem-Ft. Elfsborg Road, Salem, New Jersey, and should be presented for final consideration and passage at a meeting of the Township Committee of the Township of Elsinboro to be held on the 7th day of April, 2025 at 6:30pm.

EXHIBIT A

Block and Lot	Address	Minimum Price
22 Lot 6	Nelson Avenue (undersized lot)	\$500.00
32 Lot 14	Evergreen Avenue (undersized lot)	\$500.00