

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2011/5**

**ORDINANCE OF THE BOROUGH OF FREEHOLD,  
COUNTY OF MONTH, NEW JERSEY,  
AUTHORIZING THE SALE OF PROPERTY OWNED BY THE  
BOROUGH OF FREEHOLD, DESIGNATED AS  
TAX BLOCK 119, LOT 21.24, WEST MAIN STREET  
IN THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, Borough of Freehold is the owner of real property known and designated as block 119, lot 21.24 on the Borough Tax Map, located on West Main Street; and

**WHEREAS**, the vacant property is not a buildable lot, being both undersized and subject to a utility easement through a significant part of the property; and

**WHEREAS**, the property is not needed for public use; and

**WHEREAS**, pursuant to NJSA 40A:12-13, the property was offered for sale to the contiguous property owners, and both contiguous owners have expressed interest; and

**WHEREAS**, the Borough offered to subdivide the property, giving one-half to each property owner, however, one of the contiguous owners did not agree to same; and

**WHEREAS**, pursuant to the Statute, the property may be sold to the highest bidder among the contiguous owners.

**BE IT ORDAINED** by the Governing Body of the Borough of Freehold, Monmouth County, New Jersey as follows:

### **Section I**

The Governing Body has determined that the property described herein is not needed for public use.

### **Section II**

The property known and designated as block 119, lot 21.24 on the Borough Tax Map, located on West Main Street shall be offered for sale to the highest bidder to the contiguous property owners.

### **Section III**

Written, sealed bids shall be submitted to the Borough Administrator at Borough Hall, 51 West Main Street, Freehold, NJ on or before July 15, 2011 at 1:00 p.m. At such time, the bids shall be received and opened. The minimum bid shall be \$12,000.

No bid shall be accepted prior to or after the date, time and place established by this Ordinance. All bids will be reported to the Mayor and Council at the next meeting whereupon they may accept the highest bid or reject the highest bid if found to be inadequate.

In the event the bids are opened on July 15, 2011 at 1:00 p.m. at Borough Hall and there is more than one

highest bid, the Borough Administrator, or any person designated by him, may accept oral bids from the contiguous owners in order to break the tie.

All bids shall be in writing or orally submitted at the time set for receiving bids. No bid shall be accepted prior to or after the date, time and place established by this Ordinance. All bids will be reported to the Mayor and Council at the next meeting whereupon they may accept the highest or reject the highest bid if found to be inadequate.

#### **Section VI**

It shall be a pre-qualification that any potential bidder be required to present the Borough Administrator a certified check of not less than 10% of its written bid at the time of the bid opening. Any potential purchaser failing to comply with this requirement shall be ineligible to participate in either the written or oral bidding for the purchase of the property.

#### **Section V**

The Borough of Freehold is offering the property for sale in its present condition. The property is sold "as is". The Borough shall not be required to expend any funds in connection with any environmental law compliance related to this property. The Borough has no knowledge of nor has

it been placed on notice, relative to any violation of any environmental law.

#### **Section VI**

The governing body reserves the following rights with regard to this auction and sale:

A. To adjourn the sale at the time of sale for not more than week without re-advertising the sale.

B. To reject any and all bids received.

C. That the sale is subject to confirmation by the Governing Body which confirmation shall be granted or denied within 30 days of the July 15, 2011.

#### **Section VII**

Prospective bidders should examine the property prior to bidding. The Borough believes title to said property is insurable by a reputable title insurance company at regular rates subject to easements and restrictions of record in effect on the date of the private bid and/or auction; such Federal, State, County and municipal laws or regulations as may be in effect and apply on the date of the public auction; and to such state of facts as an accurate survey and a visual inspection of the property as of the date of the auction may disclose. In the event Borough cannot convey insurable title to the property the sole liability to the Borough shall be the return, without interest, of

all monies paid by the purchaser to the Borough. Objections to insurability of title must be made by the purchaser to the Borough Attorney within thirty days after confirmation of the sale by the Governing Body.

#### **Section VIII**

The balance of the purchase price shall be paid by certified check to the Borough of Freehold at the closing upon delivery of the deed. This closing shall take place within forty-five days after the confirmation of the sale by the Governing Body. All usual adjustments shall be made as of the date of the transfer of title.

#### **Section IX**

The property in question is zoned residential in the R-6 Zone.

#### **Section X**

Title shall be transferred by a quit claim deed and the property shall be conveyed subject to all the conditions of this ordinance.

#### **Section XI**

Real property taxes shall be assessed as of the first day of the month following the date when title is closed.

#### **Section XII**

The Borough Clerk shall post a copy of this ordinance in the municipal building and publish a copy of this

ordinance authorizing the private sale of the property to the highest contiguous property owner bidder in the official newspaper five days following the enactment of the ordinance.

#### **Section XIII**

Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

#### **Section XIV**

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

#### **Section XV**

This Ordinance shall take effect upon adoption in accordance with law.

Offered By: Shutzer

Seconded By: DiBenedetto

Roll Call:

Ayes: DiBenedetto, Kane, Newman, Schnurr, Shutzer

Nays: None

Absent: Sims

Abstain: None

NOTICE IS HEREBY GIVEN that Ordinance #2011/5 was introduced at a meeting of the Freehold Borough Council in the County of Monmouth, New Jersey, held

on May 16, 2011 and passed on first reading and that such Ordinance will be further considered for final passage after public hearing at a meeting of said Mayor and Council to be held at the Municipal Building in said Borough on June 6, 2011 at 7:30 PM or at any meeting to which that meeting may be adjourned, at which time all persons who may be interested therein will be given an opportunity to be heard.

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TRACI L. DI BENEDETTO  
BOROUGH CLERK