

ORDINANCE 2-12

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN VACANT PROPERTY OWNED BY THE BOROUGH OF LINCOLN PARK NOT NEEDED FOR PUBLIC USE TO THE STATE OF NEW JERSEY

WHEREAS, the Borough of Lincoln Park ("Borough") owns certain property within the Borough specifically designated as follows: (i) Block 20, Lot 8; (ii) Block 136, Lot 11; (iii) Block 104, Lot 6; and (iv) Block 104.2, Lot 16 (the "Properties"); and

WHEREAS, the Army Corps of Engineers ("ACOE") has a program to preserve natural flood storage areas by arranging to sell and convey property to the State of New Jersey and its assigns in fee simple; and

WHEREAS, the ACOE presented an offer to purchase the above mentioned properties from the Borough in 2007; and

WHEREAS, the Borough desired to convey the Properties to the State of New Jersey in 2007 and adopted Ordinance 8-07 on March 19, 2007 authorizing the private sale of the Properties; and

WHEREAS, subsequent to the adoption of Ordinance 8-07, ACOE raised questions whether the Borough held good, marketable title to the Properties, which delayed the conveyance of the Properties to the State of New Jersey; and

WHEREAS, the Borough researched the title issues presented by the ACOE and the Borough Attorney sent a letter to ACOE on August 12, 2011, which addressed the title concerns presented by ACOE, and determined that the Borough does hold good, marketable title to the Properties; and

WHEREAS, ACOE agreed with the Borough's findings set forth in its August 12, 2011 letter and submitted an update offer to sell the Properties to the Borough on October 12, 2011; and

WHEREAS, the ACOE has presented an offer in its October 12, 2011 letter to the Borough Attorney to purchase the above mentioned property from the Borough for an aggregate consideration of \$158,827.60 as more specifically set forth herein; and

WHEREAS, the Borough desires to convey the Properties to the State of New Jersey and its assigns as more specifically set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey, as follows:

SECTION ONE: The Borough of Lincoln Park ("Borough") hereby determines that the property identified in Section Two of this Ordinance is not needed for public use and therefore may be conveyed pursuant to N.J.S.A. 40A:12-13.

SECTION TWO: The terms and conditions of a certain "Offer to Sell Real Property" to the State of New Jersey and its assigns as presented in correspondence dated October 12, 2011 from the Department of the Army, U.S. Army Corps of Engineers, related to the property designated below are hereby approved, ratified and confirmed, subject to such modification as may be recommended by the Borough Attorney and approved by the Mayor and Business Administrator, provided that such modification does not involve the identification of the property or the purchase price.

<u>Property Identification</u>	<u>Acreage</u>	<u>Price</u>
Block 20, Lot 8	1	\$3,400.00
Block 136, Lot 11	35.26	\$119,884.00
Block 104, Lot 6	10.14	\$34,476.00
Block 104.2, Lot 16	0.314	<u>\$1,067.60</u>
	Total Amount:	\$158,827.60

SECTION THREE: The Mayor and Borough Clerk are hereby authorized to execute the said Offer to Sell Real Property as approved by the Borough Attorney and to execute the appropriate, Deed, Affidavit of Title and other closing documents to effectuate the conveyance of the property to the State of New Jersey and its assigns in accordance with the Offer to Sell Real Property approved herein.

SECTION FOUR: The Mayor and Borough Clerk, along with all other elected and appointed officials of the Borough, its professionals and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of the Ordinance.

SECTION FIVE: The sale authorized herein is a private sale pursuant to N.J.S.A. 40A:12-

13(b)(1).

SECTION SIX: A list of the property authorized to be sold herein, together with the minimum prices set forth herein, shall be posted on the bulletin board or other conspicuous place in the building in which the Governing Body holds its regular meetings and advertisement thereof made in a newspaper circulating in the Borough in which the real property is situated, within five (5) days following the enactment of this Ordinance. Offers for any and all property so listed may thereafter be made to the Governing Body or its designee for a period of twenty (20) days following the advertisement herein required, at not less than said minimum prices set forth herein, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the Governing Body may reconsider this Ordinance, not later than thirty (30) days after its enactment, and advertise the real property in question for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION SEVEN: In the event that the sale of the property is completed as a private sale, the Borough 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 N.J.S.A. 40A:12-13.

SECTION EIGHT: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION NINE: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION TEN: This Ordinance shall take effect twenty (20) days after adoption, provided that the Ordinance is not reconsidered by the Governing Body pursuant to N.J.S.A. 40A:12-13.