

Introduction: 7/12/18
Public Hearing: 7/26/18
Effective: 8/19/18

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1843**

**AN ORDINANCE AUTHORIZING THE SALE OF REAL
PROPERTY LOCATED IN THE TOWNSHIP OF MAHWAH AS
SHOWN ON THE TAX MAP AS BLOCK 95, LOT 13, COMMONLY
KNOWN AS 78 MALCOLM ROAD**

WHEREAS, the Township is the owner of certain land as shown on the Tax Map as Block 95, Lot 13, commonly known as 78 Malcolm Road, consisting of 0.1004 acres situated in the Township of Mahwah, County of Bergen, State of New Jersey; and

WHEREAS, a request has been made by an adjoining property owner to purchase the aforementioned property; and

WHEREAS, the Township Council of the Township of Mahwah has determined that such property is no longer needed for public use; and

WHEREAS, the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) provides for a private sale to the owner of real property contiguous to the real property being sold, provided that the property being sold is less than the minimum size required for development under the Municipal Zoning Ordinance and without any capital improvement thereon, except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any such sale shall not be for less than the fair market value of the real property; and

WHEREAS, the Township Council of the Township of Mahwah has determined that the real property does not meet the minimum size required for development, that there are not capital improvements, and that the value of the property is \$15,000.00; and

WHEREAS, the Township of Mahwah desires to dispose of this property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5), by offering same to sale to the highest bidder of the contiguous property owners in a minimum amount of not less than \$15,000.00.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. The Township Administrator of the Township of Mahwah is hereby authorized to schedule an auction among the contiguous property owners for the following parcels of property:

Block 95, Lot 13, consisting of 0.1004 acres

- A. The Township Administrator of the Township of Mahwah is hereby authorized and directed to notify the contiguous property owners by certified and regular mail

scheduling the auction no earlier than 15, nor later than 30 days, after adoption of this Ordinance.

- B. The minimum price that the property shall be offered for at the auction is \$15,000.00.
- C. The sale shall be "as is", and transfer of title shall take place within 30 days after the auction and satisfaction of conditions.
- D. On completion of the auction, the successful bidder will be required to provide a deposit of ten percent (10%) for the property by cash or certified check.
- E. Failure to comply with any of the above requirements, or to close within thirty (30) days after the award of the bid at auction, the Township of Mahwah shall be entitled to rescind the prior bid approval, and terminate any and all rights of its designated bidder of said property, and retain all monies theretofore deposited.
- F. The property is being conveyed subject to existing encumbrances, liens, zoning regulations, easements and other restrictions, such facts as an accurate survey will reveal, and any present or future assessment for the construction of improvements benefitting said property. The sale may be contingent upon the contiguous property owner obtaining Zoning Board of Adjustment approval for extension of the existing use of the contiguous property onto the subject property.

Section 2. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

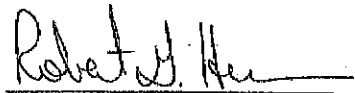
Section 4. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Ordinance No. 1843

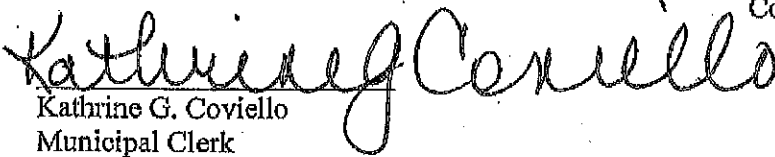
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Dated: July 30, 2018

Attest

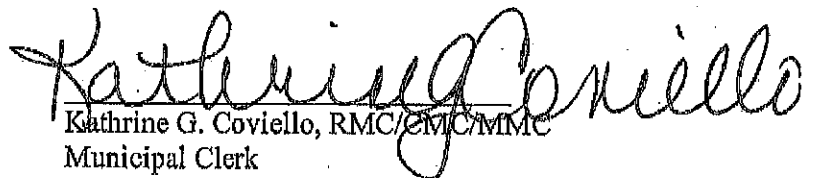


Robert G. Hermansen
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 26th day of July, 2018.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk