

ORDINANCE 17-2021

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY, DESIGNATED AS BLOCK 133, LOT 15 TO MR. HOWARD HILNER.

WHEREAS, the Township of Aberdeen (the “Township”) is the owner of record of certain real property identified as Block 133, Lots 15 on the Tax Map of the Township of Aberdeen (the “Property”); and

WHEREAS, the Property consist of rectangular shaped lot with frontage on a public street, less than the minimum size required for development under the applicable zoning ordinance, without any capital improvements, and surrounded on all sides by property owned by Mr. Howard Hilner (“Mr. Hilner”); and

WHEREAS, the properties are not needed for any purpose by the Township of Aberdeen; and

WHEREAS, N.J.S.A. § 40A:12-13(b)(5) permits a municipality to sell real property not needed for public use to an owner of real property contiguous to the municipally owned property by private sale for not less than the fair market value of the real property; and

WHEREAS, the Township and Mr. Hilner have agreed upon a purchase price of twenty-three thousand five hundred dollars (\$23,500) for the Property, which is greater than or equal to fair market value of the Property pursuant to a summary appraisal report dated October 30, 2020, prepared by Theodore J. Lamicella, a recognized and qualified appraiser; and

WHEREAS, the Mr. Hilner is the sole owner of property contiguous to the Property; and

WHEREAS, the Mr. Hilner has offered to purchase the Properties for greater than or equal to fair market value,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Aberdeen, County of Monmouth, State of New Jersey, being the governing body thereof, as follows:

1. The recitals set forth above are hereby incorporated into the body of this Ordinance as if set forth at length herein.
2. Sale by the Township of the Properties to Mr. Hilner by private sale pursuant to N.J.S.A. § 40A:12-13(b)(5) is hereby authorized for the sum of twenty-three thousand five hundred dollars (\$23,500) plus the payment of all attendant fees and costs, including appraisal fees and title report incurred by the Township in negotiating and executing the sale of the Property to Mr. Hilner.
3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Township’s Municipal Building and advertised in a newspaper circulating in the municipality within five (5) days of adoption of this Ordinance.

4. If any offers to purchase the Properties for greater than the sum set forth above are received by the Township within twenty (20) days following advertisement of the adoption of this Ordinance, the Township may, within thirty (30) days of enactment of this Ordinance, reconsider the private sale of the Property to Mr. Hilner, and may consider offering the Property for sale to the highest bidder pursuant to N.J.S.A. § 40A:12-13(a).
5. The Municipal Clerk shall file with the Division of Local Government Services within the Department of Community Affairs a sworn affidavit verifying that this Ordinance was posted and advertised as required by N.J.S.A. § 40A:12-13(b)(5).
6. Following the thirty (30) day period described above, the Business Administrator shall be authorized to take all actions necessary to effectuate the sale of the Properties to Mr. Hilner through negotiated purchase in accordance with the above terms.
7. Following the thirty (30) day period described above, the Mayor and Township Clerk shall be and hereby are authorized to execute and witness, respectively, any documents necessary to effectuate the sale of the Property, which documents are approved by the Township attorney as to form and content, to Mr. Hilner in accordance with the above terms.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:

Township of Aberdeen

Melissa Pfeifer
Township Clerk

By: _____
Fred Tagliarini
Mayor