

Township of West Milford
Passaic County, New Jersey

~ Resolution 2023 – 240 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford is the owner of an easement, located at Block 2801 Lot 1, and also known as 350 Warwick Turnpike located within the Township of West Milford, and

WHEREAS, the Township Committee of the Township of West Milford does hereby determine that the easement upon Block 2801 Lot 1, and more particularly described within the attached metes and bounds description attached at Exhibit A, is no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides for the conveyance of land by resolution which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon and which is not needed for municipal purposes by a municipality, and

WHEREAS, the fair market value of such property may be determined by negotiation between the local unit and the owner of a contiguous real property and the negotiated sum shall be subject to approval by resolution of the Governing Body; and

WHEREAS, there is only one contiguous property owner to Block 2801 Lot 1; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(5), a municipality may forego a public auction and sell to the owner of the real property contiguous to the real property being sold; and

WHEREAS, any sale pursuant to this section of the statute must be for an amount not less than the fair market value of the real property and an appraisal of the property was performed by the Township Tax Assessor to establish such fair market value; and

WHEREAS, the Township Attorney and the contiguous property owner have negotiated a fair market value of the real property for sale, as set forth in an agreement of sale on file in the Office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey, as follows:

1. That the land and premises known as Block 2801, Lot 1 and as more particularly described in the metes and bounds description herein attached at Exhibit A, located within the Township of West Milford, is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.

2. The Township of West Milford hereby authorizes the Township Administrator to execute an agreement of sale on file in the Office of the Township Clerk reflecting the fair market sum of \$5,000.00 for the land described in Exhibit A, within Block 2801 Lot 1 on the Tax Map of the Township of West Milford.

3. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.

4. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all properties being sold "as is".

5. The Township represents that the property which is the subject matter of this Resolution comprises an easement. As the property is being sold to the sole contiguous property owner, the property will merge with and become a part of the lot owned by the contiguous owner. Such merger may affect the status of the contiguous lot under the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 *et seq.* The sale of this property by the Township shall in no way be construed as an indication that a construction permit can be secured for the properties.

6. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Adopted: June 14, 2023

Adopted this 14th day of June, 2023
and certified as a true copy of an original.

William Senande, Township Clerk