

**CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 23-03**

**AN ORDINANCE AUTHORIZING SALE OF LAND
WITHOUT PUBLIC AUCTION PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of certain real property owned by a municipality where such real property is less than the minimum size required for development; and

WHEREAS, such sale opportunity is limited to the owners of property contiguous to the subject real property; and

WHEREAS, the Governing Body has determined that City owned real property containing approximately 5,313 square feet, as more particularly described in the metes and bounds description attached hereto as Exhibit A (“Subject Property”), meets the statutory criteria of N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Governing Body has determined that the Subject Property is not needed for public purposes; and

WHEREAS, the sale of the Subject Property is in the best interests of the City of Englewood.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood as follows:

1. The Governing Body of the City of Englewood shall offer the said real property, as more fully described in the metes and bounds description attached hereto as Exhibit A, for sale to the owner of the real property contiguous to the subject property, and located at 333 South Van Brunt Street, Englewood, New Jersey (“Contiguous Owner”), for the price of Seventy-Seven Thousand Dollars and 00/100 (\$77,000.00).

2. At the time of closing the City shall deliver marketable title to the Subject Property to the Contiguous Owner, with closing to occur within forty-five (45) days of the acceptance of the offer of sale herein.

3. The Deed of Conveyance for said property shall contain the following restriction which shall be binding upon the heirs, successors and assigns of the Contiguous Owner as purchaser:

“THE WITHIN LANDS SHALL BE MERGED WITH THE LANDS COMMONLY KNOWN AS 333 SOUTH VAN BRUNT STREET, ENGLEWOOD, NEW JERSEY, WHICH IS DESIGNATED ON THE TAX MAP OF THE CITY OF ENGLEWOOD AS LOT __ IN BLOCK __, WHICH LANDS ARE OWNED BY THE GRANTEE HEREOF. SAID LANDS SHALL HERAFTER NOT BE USED OR SUBDIVIDED IN ANY WAY EXCEPT AS PART OF A CONFORMING LOT BEING USED IN CONFORMANCE WITH THE USE AND BULK REGULATIONS SET FORTH IN THE ENGLEWOOD LAND USE ORDINANCES AS MAY FROM TIME TO TIME BE AMENDED.”

BE IT FURTHER ORDAINED that the Governing Body finds and determines, in accordance with N.J.S.A. 40A:12-13(b)(5) that the said purchase price set for this property, based upon the appraisal prepared by McNerney & Associates dated April 20, 2022, and including the limitation on the future use of the property in accordance with this Ordinance, is equal to or greater than the fair market value of the Subject Property.

BE IT FURTHER ORDAINED that Ordinance #10-05 be and is hereby repealed and replaced with this Ordinance.

The Governing Body retains the right, as mandated by statute, to reconsider this Ordinance not later than thirty (30) days from the date hereof.

A copy of this Ordinance shall be posted on the bulletin board of the Governing Body and published in the official newspaper of the City of Englewood within five (5) days following the adoption hereof.

Written acceptance by the Contiguous Owner of the within offer of sale, together with the additional submissions and payments required in accordance with the terms and conditions of this Ordinance shall be made to the Clerk for the City of Englewood within twenty (20) days following the adoption and advertisement of this Ordinance. The City Clerk is Yancy Wazirmas, RMC, and the said acceptance, submissions and payment should be directed by personal delivery per certified mail to 2-10 North Van Brun Street, Englewood, New Jersey 07631, not later than twenty (20) days after the advertisement. Such written acceptance shall be accompanied by a certified or bank check in an amount of ten percent (10%) of the sale price (\$7,700.00) ("Deposit"), which check shall be made payable to the City of Englewood.

Closing of title shall occur at the offices of Huntington Bailey, L.L.P., 373 Kinderkamack Road, Westwood, New Jersey 07675. Title to be conveyed shall be insurable by a New Jersey licensed title company at regular rates, however, conveyance at the City's option, shall be by quit claim deed. If title is not acceptable to the Contiguous Owner, the transaction shall be deemed void, the Deposit shall be returned, and the City shall have no other responsibility.

As a condition of sale, the Contiguous Owner shall submit a survey, to be approved by the City Engineer, within thirty (30) days of submission of the acceptance and payment required hereunder to the City of Englewood. The cost of the survey shall be the sole responsibility of the

purchaser. The Contiguous Owner shall also be responsible for all engineering fees, legal fees, costs and expenses to the subdivision of the subject property.

As a further condition of the sale, the Contiguous Owner shall file the Deed of Conveyance with the County, and all filing costs shall be the sole responsibility of the Contiguous Owner.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

ORDINANCE #23-03

AN ORDINANCE AUTHORIZING SALE OF LAND WITHOUT PUBLIC AUCTION PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

RECORD OF VOTE

FIRST READING DATE: January 24, 2023

COUNCIL	MOTION	VOTE
<i>Cobb</i>		Y
<i>Maron</i>		Y
<i>Rosenzweig</i>	X	Y
<i>Wilson</i>		Y
<i>Wisotsky</i>		Y

DATE PUBLISHED IN THE RECORD: February 2, 2023

DATES PUBLIC HEARINGS HELD: February 21, 2023

DATE SECOND READING HELD: February 21, 2023

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
<i>Cobb</i>						
<i>Maron</i>						
<i>Rosenzweig</i>						
<i>Wilson</i>						
<i>Wisotsky</i>						

Y=YES N=OPPOSED A=ABSTAINED AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO) _____
MAYOR MICHAEL WILDES

DATE: _____

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk

EXHIBIT A



June 28, 2011

DESCRIPTION OF PROPERTY
LOCATED IN THE
CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY

BEGINNING at a point in the easterly line of South Van Brunt Street, 50.00 feet wide, where the same is intersected by the northerly line of Proposed Nordhoff Place Extension as shown on a certain map entitled "Major Subdivision Plan for Englewood Commons Lot 3.03 Block 2517 & Lots 1.01 & 1.02, Block 2518 City of Englewood Bergen County, New Jersey" filed in the Bergen County Clerk's office on September 13, 2005 as map number 9419, which point is distant 183.28 feet southerly from the corner formed by the intersection of the easterly line of South Van Brunt Street and the southerly line of Smith Street, 40.00 feet wide by map, 30.00 feet wide by tax map, and from thence running

- (1) South $25^{\circ}37'35''$ West and along the easterly line of South Van Brunt Street, 21.19 feet to a point, thence
- (2) South $17^{\circ}16'52''$ East and along a Proposed Access Roadway, 29.36 feet to a point of deflection, thence
- (3) South $62^{\circ}16'52''$ East and along said Proposed Access Road, 243.29 feet to a point in the southerly line of lands now or formerly of Hartounian Trust, LLC, thence
- (4) North $53^{\circ}17'00''$ West and along said southerly line of Hartounian Trust, LLC, 268.12 feet to a point in the easterly line of South Van Brunt Street and the point and place of BEGINNING.

All in accordance with a Minor Subdivision prepared by Koestner Associates, Professional Engineers and Land Surveyors, Hackensack, New Jersey and dated March 17, 2010.

Steven Z. Fasut
CIS # 27901