

**ORDINANCE #2252-16**

**ORDINANCE OF THE CITY OF WOODBURY AUTHORIZING THE SALE OF  
CERTAIN PROPERTY OWNED BY THE CITY OF WOODBURY, COUNTY OF  
GLOUCESTER, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES  
PURSUANT TO N.J.S.A. 40A:12-139(a), *et seq.***

**WHEREAS**, the Local Lands and Building Laws, *N.J.S.A. 40A:12-13(a), et seq.*, authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the City of Woodbury is the owner of certain real property set forth on Exhibit A, not needed for public use, and the Mayor and Council have determined that it is in the best interest of the City to sell the same to generate revenue, reduce taxes and liabilities.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Woodbury in the County of Gloucester, State of New Jersey, as follows:

Section 1. The properties as further described in Exhibit A attached hereto shall be offered for sale, pursuant to N.J.S.A. 40A:12-13 at a public auction to the highest bidder, but in no event shall the properties be sold for less than the minimum bid set forth on Exhibit A. The public auction shall be held at the City of Woodbury Municipal Building or such other place as shall be designated by the City at a date to be set by the City Clerk and published in accordance with law.

Section 2. The property sale shall be subject to the following terms:

1. That no representations of any kind are made by the City of Woodbury as to the condition of the property, said property is being sold in its present condition "as is". Additionally, the City makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property.

2. That the City will execute a Quitclaim Deed mutually acceptable in form and substance to both parties.

3. That the Purchaser, at its sole expense, shall have a right to conduct environmental and other inspections of the property with results satisfactory to Purchaser

and its lender but must complete such inspections within thirty (30) days of bid acceptance.

4. That the Purchaser shall obtain a survey and meets and bounds description of the entire tract, which said survey and description will be at Purchaser's sole expense, in form and substance satisfactory to the City and the Purchaser; and said survey and meets and bounds description shall be certified to the City.

5. Purchaser's receipt of a title commitment, which said title commitment will be at Purchaser's sole expense, with respect to the property, to be obtained, stating that Seller has good, indefeasible and marketable fee simple title to the property, free and clear of all liens and encumbrances except such matters as may be acceptable to Purchaser or as otherwise provided for herein or public or private utility easements or rights-of-way.

6. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

Section 3. This sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title.

Section 4. The sale of the properties shall be subject to a deed restriction requiring the property and all present and future improvements on the property be used exclusively as an owner occupied single family dwelling.

Section 5. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the City of Woodbury.

Section 6. That should the title to the property prove to be unmarketable for any reason, the liability of the City shall be limited to the repayment to the Purchaser of the deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim must be served on the City Clerk, by the Purchaser, in writing no later than thirty (30) days after the sale is approved by the Mayor and Council, failure upon the part of the Purchaser to give written notice within said time shall be deemed conclusive proof that the Purchaser accepts the title in its present condition.

Section 7. In addition to the terms and conditions set forth herein, successful bidders agree to the following conditions:

- i. To deposit cash, check or money order in an amount not less than 10% of the bid price at the time that the bid is submitted.
- ii. To pay by the time of closing:
  - a. The balance of the purchase price.
  - b. The cost of preparation of all legal documents including any special property description.
  - c. The prorated real estate taxes, for the balance of the current year as of the date of closing.
- iii. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from these regulations.
- iv. That in the event Purchase fails to close title, Purchaser shall forfeit to the City of Woodbury any and all money deposited with the City.
- v. That the descriptions of the properties are intended as a general guide only and may not be accurate. No representations of any kind are made by the City of Woodbury as to the conditions of the property; the premises are being sold in their present conditions "as is".
- vi. That offers for any and all of the properties must be made for a sum equal or greater to the minimum bid price listed on Exhibit A.
- vii. The properties will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representations as to character of title of the properties to be conveyed.
- viii. All sales are subject to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. and all rights reserved to the City by such law.
- ix. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- x. That the title shall close within 60 days of the City's acceptance of a bid, and that date shall be considered time of the essence. The City reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
- xi. Acceptance of the offers made as set forth in Exhibit A of the highest bid shall constitute a binding agreement of sale, and the purchaser shall be

deemed to agree to comply with the terms and conditions of the sale herein contained.

Section 8. The City reserves the right to withdraw the offer of sale and reject any and all bids.

Section 9. All sales are subject to final approval by the Mayor and the City Council. Parties interested in submitting bids and who require additional information should contact:

Roy Duffield, City Clerk  
City of Woodbury  
33 Delaware Street  
Woodbury, New Jersey 08096

Section 10. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 11. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 12. The Mayor, City Administrator, and City Clerk are hereby authorized to execute all documents necessary for the conduct of this auction and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds and other conveyance documents.

Section 13. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

**THE FOREGOING** was introduced by the City Council of the City of Woodbury at a regular meeting held on September 13, 2016. This Ordinance will be considered for adoption at final reading and public hearing to be held on September 27, 2016 at 7:00 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY



By: **DAVID TROVATO,**  
**President of Council**

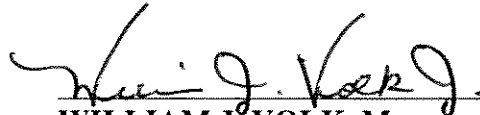
**ATTEST:**

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**ROY A. DUFFIELD, Clerk**

**Approved:**

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**WILLIAM J. VOLK, Mayor**

ORDINANCE #2252-16

ORDINANCE OF THE CITY OF WOODBURY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE CITY OF WOODBURY, COUNTY OF GLOUCESTER, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-139(a), et seq.

Exhibit A

Address	Block	Lot
19 Hess Avenue	90	20
39 Stuart Street	95.01	22
30 Stuart Street	97.01	13
59 Packard Avenue	98	5
235 S. Barber Avenue	108	8.03
71 Curtis Avenue	119	24.01
135 Gantt Avenue	135.01	9 & 11
29 N. Maple Street	146	23
59 W Barber Avenue	74	16
402 Deptford Avenue	168	2
461 Deptford Avenue	168	12