

**ORDINANCE #2-13**

**AUTHORIZING THE SALE OF  
MUNICIPAL PROPERTY NOT NEEDED FOR PUBLIC USE—  
BLOCK 1.01, Lot 43, CHINGARORA AVENUE**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5), the Mayor and Council of the Borough of Keyport may by ordinance authorize the sale of any municipally-owned real property not needed for public use; and

**WHEREAS**, the governing body has determined that municipally-owned property located along Chingarora Avenue and designed as Block 1.01, Lot 43 ("Lot 43") on the Official Tax of the Borough is no longer needed for public use; and

**WHEREAS**, Lot 43 (2,500 SF) is less than the minimum size required for development in the Highway Commercial zone (10,000 SF) and is without any capital improvement thereon; and

**WHEREAS**, Lot 43 is contiguous to the following properties in Block 1.01 owned by the following owners of record:

Lot 31 . . . Frank & Dorothy Scuzorzo, 201 Luppataatong Ave., Keyport, NJ 07735,

Lot 42 . . . Robert Ehlers, 716 Palmer Avenue, Middletown, NJ 07748,

Lot 44 . . . Keyport Auto Mart, Inc. % Karlen Mgmt,  
684 N. Beers St., Holmdel, NJ 07733,

(each a "Contiguous Property Owner"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13(b)(5), the Mayor and Council have determined that is in the public interest that Lot 43 may sold to the highest bidder amongst the Contiguous Property Owners at a minimum price of \$11,300, said amount not being less than its fair market value, in accordance with the procedures set forth in said statute.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Keyport as follows:

**Section 1.** The aforementioned Lot 43 of Block 1.01 shall be sold at private sale to the highest bidder from among the Contiguous Property Owners.

**Section 2.** The Borough Clerk shall notify the Contiguous Property Owners that Lot 43 is being offered for sale and solicit bids of or in excess of the stated minimum price within five (5) days hereof, which notice shall include a copy of this Ordinance.

**Section 3.** The Borough Clerk shall accept offers for Lot 43 from or on behalf of any Contiguous Property Owner for a period of 20 days following said advertisement.

- a. Each offer must be secured by a deposit by certified check, bank draft or cash in the amount of \$1,130 (i.e., 10% of the minimum price).
- b. Acceptance of any offer made shall constitute a binding agreement of sale, and the successful bidder shall be required to comply with the terms and conditions of the sale herein contained.
- c. The successful bidder shall be required to close title within 45 days of being notified that it was the successful bidder, at which time the balance of the purchase price shall be paid in case or certified check.
- d. No joint bidding will be permitted among contiguous property owners.

**Section 4.** The sale of Lot 43 shall be subject to the following terms and conditions:

a. The sale of Lot 43 shall not affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

b. The Borough of Keyport does not warrant or certify title to the property, and in no event shall the Borough be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason; and the purchaser-successful bidder waives any and all rights in damages or by way of liens against the Borough, the sole remedy being the right to receive a refund prior to closing of title of the deposit paid in the event title is found unmarketable. It shall be the obligation of the purchaser-successful bidder to examine title to said premises prior to closing. In the event of closing and a later finding of defect of title, the Borough shall not be required to refund money or correct any defect in title or be held liable for damages.

c. The deed of conveyance will be subject to all matters of record which may affect title herein and all matters which an accurate survey may reveal.

d. Lot 43 will be subject to taxes due from the recorded deed date.

**Section 5.** The Mayor and Borough Clerk are hereby authorized to execute all necessary documents under this authorization, including a Bargain and Sale Deed without covenants transferring title to the successful bidder-purchaser.


**Section 6.** The Mayor and Council hereby reserve the right to withdraw this offer to sell within thirty (30) days of enactment of this Ordinance, or upon completion of the bidding, to accept or reject any or all bids for Lot 43 or to waive any informality in relation thereto.

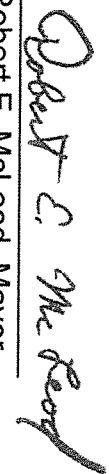
**Section 7.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 8.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**Section 9.** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: February 15, 2013  
Public Hearing: March 5, 2013  
Adopted: March 5, 2013

  
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Valerie J. Heilwell, RMC  
Borough Clerk  
Borough of Keyport

  
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Robert E. McLeod, Mayor  
Borough of Keyport