

BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
ORDINANCE NO. 5-2014

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN
PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC
PURPOSES AND MORE COMMONLY KNOWN AS
BLOCK 2702, LOTS 14 and 15**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Franklin is the owner of certain real property known as Block 2702, Lots 14 and 15; and

WHEREAS, said property is not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the property; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, that:

1. The property known as Block 2702, Lots 14 and 15 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on May 27, 2014 at 7:00 p.m. at the Municipal Building, 46 Main Street, Franklin, New Jersey.

2. The said property shall be sold subject to the following terms and conditions:

- (a) The said property shall be sold for not less than \$50,000.
- (b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.
- (c) The Borough does not warrant or certify title to the property and in no event shall the Borough of Franklin 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 right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It

shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance 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.

(e) A Quit Claim Deed will be delivered at the office of the Borough Clerk on or before thirty (30) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(f) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Franklin and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(g) The purchaser shall pay \$450.00 to the Borough of Franklin the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.

(h) The property will be sold subject to 2014 taxes, pro rated from the date of sale.

(i) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

Effective Date.

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on March 25, 2014, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on April 8, 2014, at 7:00 PM, or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Attest:

Robin Hough
Borough Clerk

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Borough Clerk

Paul B. Libby Mayor

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

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NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE
BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY
KNOWN AS BLOCK 2702, LOTS 14 AND 15**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 25th day of March, 2014, and the same came up for final passage at a meeting of the said Borough Council on the 8th day of April, 2014, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Robin Hough, Municipal Clerk