

**ORDINANCE NO. 07-2020**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN  
PROPERTIES OWNED BY THE BOROUGH AND NOT REQUIRED FOR  
PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS  
172 MAPLE ROAD; 109 MUNSONHURST ROAD; 111 MUNSONHURST ROAD;  
113 MUNSONHURST ROAD; 230 MUNSONHURST ROAD; 359 SCOTT ROAD;  
429 ROUTE 23 AND 25-A SUSQUEHANNA STREET**

**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 1901 Lot 30; Block 2702 Lot 14; Block 2702 Lot 15; Block 2702 Lot 16; Block 2701 Lot 10; Block 102 Lot 2; Block 606 Lot 29; Block 501 Lot 5; and

**WHEREAS**, said properties are 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 properties to be auctioned are known as and shall be referenced by parcel description are:

<b>Parcel</b>	<b>Block</b>	<b>Lot</b>	<b>Address</b>	<b>Zone</b>	<b>Description</b>
A	1901	30	172 Maple Road	R-1	5.3 Acres
B	2702	16	109 Munsonhurst Road	R-1	1.025 Acres
B	2702	15	111 Munsonhurst Road	R-1	.712 Acres
B	2702	14	113 Munsonhurst Road	R-1	.729 Acres

<b>Parcel</b>	<b>Block</b>	<b>Lot</b>	<b>Address</b>	<b>Zone</b>	<b>Description</b>
C	2701	10	230 Munsonhurst Road	R-1	2.626 Acres
E	102	2	359 Scott Road	R-1	18.49 Acres
F	606	29	429 Route 23	HC-2	.503 Acres
G	501	5	25-A Susquehanna Street	R-1	19.30 Acres

2. The properties 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 online by Max Spann and shall be concluded by September 16, 2020. The highest bidder will be considered and accepted by the Borough Council at its meeting on September 22, 2020.

3. The auction of each parcel shall be conducted with an undisclosed reserve price. The Borough Council must approve the auction price in order to be binding and the Borough Council reserves the right to reject all bids.

4. The said properties shall be sold subject to the following terms and conditions:

(a) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(b) 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 shall be 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.

(c) The Borough makes no environmental representations regarding the property and purchaser may perform an environmental assessment.

(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) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 for the Borough's transaction costs, in cash or check.

(f) 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.

(g) 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.

(h) The property will be sold subject to 2020 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.

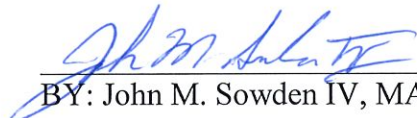
**Effective Date.**

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

ATTEST:

**BOROUGH OF FRANKLIN**

  
\_\_\_\_\_  
Darlene J. Tremont, CLERK

  
\_\_\_\_\_  
BY: John M. Sowden IV, MAYOR

DATED: August 18, 2020

**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 July 21, 2020, 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 August 18, 2020, at 7:00 PM, or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin,

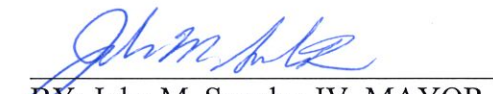
New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

  
 Darlene J. Tremont  
 Borough Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 18<sup>th</sup> day of August, 2020.

  
 Darlene J. Tremont, CLERK

  
 BY: John M. Sowden IV, MAYOR

Introduced: July 21, 2020

Adopted: August 18, 2020

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X					
STEPHEN SKELLENGER	X					X
GILBERT SNYDER				X		
STEPHAN ZYDON, JR.	X				X	
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					X
JOSEPH LIMON				X		
JOHN POSTAS COUNCIL PRESIDENT	X					
STEPHEN SKELLENGER	X				X	
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN  
LEGAL NOTICE**

**ORDINANCE #07-2020**

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NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTIES OWNED BY THE  
BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY  
KNOWN AS**

**172 MAPLE ROAD; 109 MUNSONHURST ROAD; 111 MUNSONHURST ROAD;  
113 MUNSONHURST ROAD; 230 MUNSONHURST ROAD; 359 SCOTT ROAD; 429  
ROUTE 23 AND 25-A SUSQUEHANNA STREET**

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 Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 21<sup>st</sup> day of July, 2020, and the same came up for final passage at a meeting of the said Borough Council on the 18<sup>th</sup> day of August, 2020, 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.

  
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Darlene J. Tremont, Municipal Clerk