

ORDINANCE NO. 13-2022

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS
35 FOWLER 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 901 Lot 1; and

WHEREAS, said property 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 property to be auctioned is known as and shall be referenced by parcel description is:

Parcel	Block	Lot	Address	Zone	Description
A	901	1	35 Fowler Street	R-4	0.425 Acres

2. The property 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 November 10, 2022. The highest bidder will be considered and accepted by the Borough Council at its meeting on November 22, 2022.

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 property 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 2022 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: September 27, 2022

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 September 13, 2022, 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 September 27, 2022, 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 27th day of September, 2022.



Darlene J. Tremont, Clerk
Borough of Franklin



John M. Sowden, IV, Mayor

Introduced: September 13, 2022

Adopted: September 27, 2022

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RECORD OF COUNCIL VOTES:

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

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

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

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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 13th day of September, 2022, and the same came up for final passage at a meeting of the said Borough Council on the 27th day of September, 2022, 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.



Darlene J. Tremont, Municipal Clerk