

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE NO. 07-2022**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN
PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC
PURPOSES, IDENTIFIED AS BLOCK 2, LOT 7; BLOCK 4, LOT 1; BLOCK 26.01, LOT
22; BLOCK 26.01, LOT 23; BLOCK 26.01, LOT 24; AND BLOCK 27, LOT 8 ON THE
OFFICIAL TAX MAPS OF THE BOROUGH**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. authorizes New Jersey local governments (e.g., counties and municipalities) to sell 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 Ogdensburg (“Borough”) is the owner of certain real property identified as Block 2, Lot 7; Block 4, Lot 1; Block 26.01, Lot 22; Block 26.01, Lot 23; Block 26.01, Lot 24; and Block 27, Lot 8 on the Official Tax Maps of the Borough; 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 properties by open public sale at auction to the highest bidder subject to certain terms and conditions.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, as follows:

1. The properties to be auctioned by open public sale are known and described as follows:

Block	Lot	Property Location	Zone	Description
2	7	Off Edison Ave	R100	18.56 acres
4	1	Main Street	R30	3.90 acres
26.01	22	46 Richardsville Road	R15	0.336 acres
26.01	23	48 Richardsville Road	R15	0.340 acres

26.01	24	50 Richardsville Road	R15	0.346 acres
27	8	212 Main Street	R40	5.60 acres

2. The properties shall be offered for sale by open public sale at auction to the highest bidder pursuant to, and in accordance with N.J.S.A. 40A:12-13. The public auction shall be held at the Borough of Ogdensburg Municipal Building located at 14 Highland Avenue, Ogdensburg, New Jersey 07439 at a date and time to be set by the Borough Council via resolution and published in accordance with law.

3. The public auction shall take place within one (1) year of the effective date of this Ordinance.

4. The Borough Council must approve each auction price at a regularly scheduled meeting following the auction to be binding and the Borough Council reserves the right to reject any or all bids.

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

(a) Sales shall be made at public auction, after legal advertisement of this Ordinance and adoption of a resolution(s) by the governing body setting the date and time of auction and minimum bid prices. All sales shall be made to the highest bidders subject to the terms and conditions set forth in this Ordinance, Notice of Sale, and Contract of Sale.

(b) The properties are sold strictly "AS IS" and the Borough makes no representations as to the condition of buildings or other improvements on the lot, if any. The purchaser-successful bidder shall not be entitled to a refund based upon any defects or objections to the condition of the properties.

(c) The Borough does not warrant or certify title to the properties and in no event shall the Borough of Ogdensburg 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 of the ten percent (10%) deposit paid, without interest, in the event title is found unmarketable, as described further in Section 5(f). 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) The Borough makes no environmental representations regarding the properties.

(e) 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.

(f) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$500.00 for the Borough's transaction costs referenced in Section 5(i), in cash or certified check. Said payment shall be returned to the purchaser, without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(g) 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.

(h) 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, 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.

(i) The purchaser shall also pay the Borough 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.

(j) The property will be sold subject to real property taxes for the tax year of sale, pro-rated from the date of sale.

(k) The governing body reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bid or bids for said properties for any reason or no reason at all, or to waive any informality in relation thereto.

(l) Notice of the sale of the properties described herein, shall be advertised in an officially designated newspaper circulating in the Borough at least once a week during consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of such sale in accordance with N.J.S.A. 40A:12-13(a).

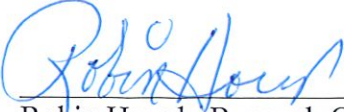
(m) It is understood that the acquisition is subject to applicable New Jersey law concerning the disposition of municipal real estate.

(n) If any property described herein is less than the minimum size required for development under the municipal zoning ordinance, said property shall only be auctioned off and sold to an adjoining landowner. Following said sale, the purchaser shall merge the subject lot with the purchaser's adjoining lot by Deed within ninety (90) days of the date of sale.

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

by law.

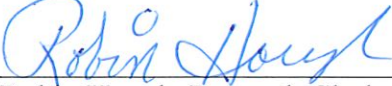
Attest:


Robin Hough, Borough Clerk


George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above-entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on October 12, 2022, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on October 24, 2022 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.


Robin Hough, Borough Clerk

Roll call vote for Introduction:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo				✓
Vacant				
Councilman Nasisi	✓			
Councilman Poyer	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Vacant				
Councilman Nasisi	✓			
Councilman Poyer	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 07-20222**

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AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN
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PURPOSES, IDENTIFIED AS BLOCK 2, LOT 7; BLOCK 4, LOT 1; BLOCK 26.01, LOT
22; BLOCK 26.01, LOT 23; BLOCK 26.01, LOT 24; AND BLOCK 27, LOT 8 ON THE
OFFICIAL TAX MAPS OF THE BOROUGH**

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 Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 12th day of October, 2022, and the same came up for final passage at a meeting of the said Borough Council on the 24th day of October, 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 to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR