

**TOWNSHIP OF DENNIS**

**COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2023-10**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, *et seq.***

**WHEREAS**, the Township of Dennis is the owner of certain real property designated as Block 69, Lot 17 on the tax map of the Township of Dennis, commonly known as 646 Petersburg Road, Dennis Township, New Jersey, (hereinafter referred to as “subject property” or “property”), not needed for public use, and the Mayor and Committee have determined that it is in the best interest of the Township to sell by open public sale at auction to the highest bidder to generate revenue, reduce taxes and liabilities; and

**WHEREAS**, N.J.S.A. 40A:12-13, *et seq.*, the Local Lands and Buildings Laws, a municipality may sell any real property, not needed for public use, by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality in which the land is situated, by two insertions at least once a week during two consecutive weeks, the last publication to not be earlier than seven days prior to such sale; and

**WHEREAS**, despite being an undersized lot, the property has capital improvements contained thereon which allows the Township to proceed with the sale via a public auction pursuant to N.J.S.A. 40:12-13(a).

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Dennis in the County of Cape May, State of New Jersey, as follows:

**Section 1.** The Mayor of the Township of Dennis and other necessary Township Officials are hereby authorized to enter into a public sale of the Property owned by the Township in accordance with N.J.S.A. 12-13(a) and take all reasonable, necessary and lawful steps to effectuate the sale of the property, including execution of the appropriate deed and transfer documents.

**Section 2.** The Township shall advertise the sale of the Property in a newspaper circulating in the Township by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale.

**Section 3.** The property sale shall be subject to the following terms:

- A. Bids shall be accepted electronically by GovDeals.com until Wednesday December 6, 2023, at 4:00 p.m. EST.

- B. Minimum bid price of \$60,000.00.
- C. The bid must be accompanied by a deposit made payable to the Township of Dennis in the form of cash, bank check, or cashier's check in the amount of 20% of the total bid. Pending closing of title, this deposit will be held by the Township in a non-interest bearing escrow account, with the total deposit to be credited to the purchase price at closing. Full payment of the purchase price must be received within thirty (30) days of the date of the acceptance of the bid. Unsuccessful bidders will have their deposits returned.
- D. In the event that the successful bidder fails to close title to the Property, the bidder shall forfeit all deposit monies made to the Township. No refunds whatsoever will be made by the Township in the event that the successful bidder fails to complete the purchase of the Property within thirty (30) days from the acceptance of the bid.

The Property is being sold "AS IS" "WHERE IS." The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any assessments, including but not limited to any and all historical preservation restrictions, should they apply. No representation is made by the Township as to the utility, usability or environmental condition of the Property, except as otherwise set forth herein, including but not limited to the presence or absence of wetlands.

- E. The deed given by the Township to the Property will be a Quitclaim Deed. No title contingencies or conditions are permitted.
- F. The sale shall be subject to adjournment or cancellation by the Township Committee.
- G. The sale shall be subject to restrictions of record and local ordinances.
- H. The Township Committee reserves the right to reject all bids.
- I. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

**Section 4.** In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

**Section 5.** All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed.

**Section 6.** This ordinance shall become effectively immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 26, 2023. Publication will be held on October 03, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 24, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

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**Jacqueline B. Justice, RMC/Clerk**