**RESOLUTION NO. 2024-4.\_\_\_**

**OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING** **THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE BOROUGH OF BLOOMINGDALE**

 **WHEREAS**, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough of Bloomingdale, specifically Block 3038, Lot 1, Glade Road, consisting of approximately 6.78 acres of vacant land (“Property”); and

 **WHEREAS**, the Mayor and Borough Council of the Borough of Bloomingdale does hereby determine that the Property, which is further set forth in Schedule A, is no longer needed for public use; and

 **WHEREAS**, the Borough of Bloomingdale desires to make the Property available for public sale.

 **NOW, THEREFORE, BE IT RESOLVED,** by the Borough Council of the Borough of Bloomingdale as follows:

1. The Borough of Bloomingdale hereby declares that the land and property set forth in Schedule A is no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Borough Council of the Borough of Bloomingdale hereby authorizes the Borough Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A and made a part hereof.
3. The public sale shall take place at the Bloomingdale Borough Municipal Building, 101 Hamburg Turnpike, Bloomingdale, New Jersey, on May 7, 2024 at 6:30 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The minimum bid for the property is $10,000.
6. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Borough of Bloomingdale, in an amount of 50% of the winning bid. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Borough no later than sixty (60) days following the acceptance by the Borough and the tender of marketable title to the purchaser and submitted to the Borough. The purchaser shall be entitled to possession immediately following closing of title.
7. The Borough makes no representation as to the title or any other aspects of the land to be sold.
8. The successful bidder shall be responsible for the Borough’s reasonable attorney’s fees for the preparation of bid documents and closing of title in an amount that is estimated not to exceed $5,000. In addition, the bidder will be responsible for establishing an engineering escrow for the review of road improvements.

1. The Borough reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Borough Council at a Public Meeting within 30 days from the date of such sale.
2. In the event the Borough of Bloomingdale is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Borough shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Borough shall extinguish any claims the said purchaser may have against the Borough of Bloomingdale in connection with the quality of title conveyed.
3. The conveyance of the Property by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the Buyer is forwarded to the Borough prior to the conveyance and discloses that the Borough holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. The Borough will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the Buyer.
4. The Borough Council of the Borough of Bloomingdale reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Borough.
5. The successful bidder shall have 30 days to perform a perc test. If the property is unsuitable for a septic system, the successful bidder may cancel the contract however 50% of the bid price shall be non-refundable.
6. The following conditions will apply to the sale of the Property and be part of any Contract of Sale between the Borough and the successful Buyer:
7. Glade Road being widened to 24’ in straight aways and 30’ at radius
8. Glade Road to be re-graded to attain minimum 2% cross slope
9. Glade Road to be constructed over existing milled surface with minimum 4” DGA Stone
10. Glade Road to be constructed with 3” Stabilized Base Course Mix 19M64 compacted
11. Glade Road to be constructed with 2” Surface Course Mix 9.5 M64 compacted
12. All permits are the responsibility of the Buyer
13. All surveys and As-Builts as required are the responsibility of the Buyer
14. Upon acceptance of an approved site plan and roadway construction, the Borough will accept the dedication of the roadway as long as it meets the Borough road standards.
15. The Borough will not represent, warrant, or guarantee the right to build on or improve the Property. The Property will be subject to all federal, state, local laws and ordinances.
16. A public notice of sale shall be published in the Borough’s official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
17. The resolution shall take effect immediately.

**Attachment A**

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| **Block** | **Lot** | **Approximate Acreage** | **Zone** | **Location** | **Suggested Minimum Bid** |
| 3038 | 1 | 6.78 | R-20 | Glade Road | $10,000 |