**RESOLUTION NO. 2019-9.6**

**OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

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

**WHEREAS**, the Borough of Bloomingdale is the owner of certain lands and premises within the Borough of Bloomingdale identified as Block 5105 Lot 16 and depicted on Schedule A attached hereto; and

**WHEREAS**, the Mayor and Borough Council of Bloomingdale does hereby determine that the said lands and properties set forth in Schedule A are no longer needed for public use; and

**WHEREAS,** the Borough of Bloomingdale desires to make available for public sale lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

**NOW, THEREFORE, BE IT RESOLVED,** by the governing body of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey as follows:

1. The Borough of Bloomingdale hereby declares that the lands and premises set forth in **Schedule A** are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The governing body 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** attached hereto and made a part hereof.
3. The public sale shall take place at the ­­­­­­­Borough Hall, 101 Hamburg Turnpike, Bloomingdale, NJ on October 8, 2019at 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 successful bidder at the time of the sale must present cash or a check or a money order, **payable to** **the Borough of Bloomingdale,** in an amount that equals ten percent (10%) of the sales price. 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 the closing of title.
6. The Borough makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Borough a buyer’s premium in the amount of ten percent (10%) of the bid amount.
8. 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.
9. In the event the Borough 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 Hardyston Borough in connection with the quality of title conveyed.
10. All conveyances by the Borough shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser 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 with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The governing body 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.
12. In the case that the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser’s current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The Borough will not represent, warrant or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. 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 condition of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. The minimum bid for this property shall start at $3,000.
16. The resolution shall take effect immediately.

**BE IT FURTHER RESOLVED,** that a copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

## Record of Council Vote on Passage

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Councilman | aye | nay | Abstain | Absent | Councilman | aye | nay | Abstain | Absent |
| Sondermeyer | X |  |  |  | Dellaripa | X |  |  |  |
| D’Amato | X |  |  |  | Costa | X |  |  |  |
| Hudson | X |  |  |  | Yazdi | X |  |  |  |

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the

Borough of Bloomingdale at an Official Meeting held on September 3, 2019.

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Breeanna Calabro, R.M.C.

Municipal Clerk, Borough of Bloomingdale