

City of Lambertville
ORDINANCE NUMBER 34-2022

An Ordinance of the City of Lambertville re-authorizing the sale of City-owned real property no longer necessary for a public purpose and establishing the procedures therefore, concerning Block 1070, Lot 13 on the tax maps of the City, more commonly known as 150 Swan Street.

WHEREAS, the City of Lambertville (the “**City**”), a municipal corporation of the State of New Jersey, owns real property shown on the City Tax Maps as Block 1070, Lot 13, more commonly known as 150 Swan Street (the “**Property**”); and

WHEREAS, the City has taken inventory of the vacant lots it owns within the City that are under-sized, without capital improvements, and not necessary for public use; and

WHEREAS, the City has identified the Property as not necessary for public use, and determined that the sale of such Property will return it to the tax rolls of the City, thereby creating revenue for the City; and

WHEREAS, the Governing Body of the City (the “**Governing Body**”) has determined that it is in the best interests of the City to offer the Property for sale pursuant to N.J.S.A. 40:12-1, et seq.; and

WHEREAS, in consequence, the Governing Body has determined that it is in the best interests of the City to offer the Property for sale to the highest bidder pursuant to N.J.S.A. 40A:12-1 et seq., the New Jersey Local Lands and Buildings Law (“**LLBL**”); and

WHEREAS, N.J.S.A. 40A:12-13 within the LLBL authorizes, among other things, the City to sell municipally owned real property or capital improvement not needed for public use at public auction and sale to a private person, upon specified terms and conditions; and

WHEREAS, on May 19, 2022, the Governing Body adopted Ordinance Number 10-2022, which authorized the sale of the Property to the highest bidder at public auction and sale; and

WHEREAS, on August 4, 2022, the City conducted a public auction for sale of the Property, and did not receive any bids; and

WHEREAS, based on the foregoing, the Governing Body desires to re-authorize the sale of the Property to the highest bidder at public auction and sale (the “**Purchaser**”), all consistent with the terms and conditions set forth herein below.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.

2. The following conditions apply to the within action by the Governing Body:

A. A sign shall be posted on the Property advising that the Property is for sale.

B. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder at a date and time set forth in the public notice to be published in accordance with the requirements of N.J.S.A. 40A:12-13(a) and as more particularly described in subsection M., below. The Mayor is hereby authorized to take any and all action necessary, including but not limited to, engaging a licensed real estate broker or auctioneer to conduct the public auction in accordance with the requirements of the local lands and buildings law.

C. The City shall have the right to remove the Property from the auction for any reason whatsoever until the time of the auction. Notice of such removal will be posted prior to the commencement of the auction.

D. The Property shall be sold subject to 2022 taxes, pro-rated from the date of sale.

E. The City may, at its discretion, reject all bids.

F. Potential Bidders are advised: (1) to conduct all necessary title searches prior to the date of the sale; (2) that the description of the Property is intended as a general guide only and may not be accurate; (3) no representations of any kind are made by the City as to the condition of the Property which is being sold in its present condition, "as is"; (4) that the sale is made subject to all applicable laws, statutes, regulations, and ordinances of the United States, State of New Jersey, and the City of Lambertville.

G. At the conclusion of the auction, the successful bidder shall provide a deposit of 10% of the bid by certified check or money order and shall execute an Agreement of Sale. Said Agreement of Sale shall be binding upon the high bidder until such time that the Governing Body either: (1) does not accept the bid in which case bidders deposit will be returned; or (2) accepts the bid whereupon the City shall execute the Agreement of Sale and both parties shall be held bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than sixty (60) days following the acceptance of the bid by the City. The purchaser shall be entitled to possession immediately following closing of title.

H. At the conclusion of the auction, the successful bidder shall also provide a deposit of \$500.00 dollars by certified check or money order as a deposit on all applicable fees and City costs related to the sale of the property.

I. In the event the City is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the City will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the City shall extinguish any claims that said purchaser may have against the City in connection with the quality of title conveyed.

J. The Property herein sold is subject to any existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The City makes no representations as to the presence of any environmental conditions on the Property and the purchaser assumes the risk of any such condition, all Property being sold “as is.”

K. All conveyances by the City shall be made by Quitclaim Deed.

L. Acceptable bids shall be confirmed by resolution of the Governing Body no later than the first regular meeting of the Governing Body following the date of receipt.

M. This Ordinance shall constitute and serve as the public notice to be published in a newspaper circulating in the City at least once a week for two (2) consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale.

N. In the event the successful bidder fails to close on the Property, the bidder shall forfeit the ten percent (10%) deposit.

O. 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 bids for said Property or to waive any informality in relation thereto.

3. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom, and construed to give effect to the remaining provisions.

4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance, are hereby replaced and/or repealed to the extent of such inconsistency.

5. This Ordinance shall take effect at the time and in the manner provided by law.

INTRODUCED FIRST READING: November 17, 2022

PUBLIC HEARING AND SECOND READING: December 15, 2022