

**COUNTY OF SUSSEX  
TOWNSHIP OF MONTAGUE  
ORDINANCE 2022-08**

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND  
STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN REAL  
PROPERTY OWNED BY THE TOWNSHIP OF MONTAGUE NOT REQUIRED FOR  
PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.**

**WHEREAS**, the Township of Montague is the owner of real property not needed for public use; and

**WHEREAS**, N.J.S.A 40A:12-13(a) authorizes a municipality to sell any real property, capital improvements or interest therein not needed for public use by open public sale at auction to the highest bidder after advertisement thereof; and

**WHEREAS**, all of the properties included within each below grouping, numbered one (1) through twenty-three (23), respectively, are contiguous; and

**WHEREAS**, the Township Committee has determined that the sale of the properties set forth in this Ordinance is in the public interest, as it will generate miscellaneous revenue and return the properties to the tax rolls.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Montague, in the County of Sussex and State of New Jersey, as follows:

**SECTION 1. SALE OF LAND AUTHORIZED.** The Township Committee of the Township of Montague does hereby authorize the sale of the real property identified below and authorizes the Township Clerk, with the assistance of the Township Assessor, Township Engineer and Township Attorney to establish a public auction at the minimum prices set forth below as arrived at by the Township Assessor. Open public bidding shall take place at a public auction commencing at 2:00 pm on June 14, 2022 at the Montague Township Municipal Building. The Township Committee may accept or reject the bids received within thirty (30) days from the date of the auction.

**SECTION 2. PROPERTY TO BE SOLD.**

Block and Lots	Location	Size	Minimum Bid
1. Block 16.09, Lot 3	113 Armstrong Rd	.742 AC	\$200.00
2. Block 18.42, Lot 154	102 Birchwood Terr	.382 AC	\$200.00
3. Block 4.06, Lot 4	2 Curving Hill Dr	.707 AC	\$200.00
4. Block 19.02, Lots 8, 9, 10, 11	13 Twin Brook Dr, 13 Brookhaven Way, 15 Brookhaven Way, 15 Twin Brook Dr	3.304 AC	\$200.00
5. Block 18.42, Lot 28	224 Clove Rd	14.5 AC	\$500.00
6. Block 19, Lots 43, 45.01	134-A Deckertown Tnpk, 134 Deckertown Tnpk	8.22 AC	\$500.00

7. Block 46, Lots 33, 34, 36	6 Doremus Ln, 4 Doremus Ln, 2 Doremus Ln	2.54 AC	\$200.00
8. Block 19.03, Lots 24, 27	15 Fawn Run, 4 Durol Dr	1.379 AC	\$200.00
9. Block 18.56, Lots 8, 9	232 Lake Shore North, 234 Lake Shore North	.817 AC	\$200.00
10. Block 18, Lot 18	445 Lake Shore North	.442 AC	\$200.00
11. Block 4.08, Lots 17, 18, 19	23 Mountaintop Rd, 25 Mountaintop Rd, 27 Mountaintop Rd	2.315 AC	\$200.00
12. Block 19.01, Lot 2	289 New Rd	.854 AC	\$200.00
13. Block 18, Lots 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59	500 New Lake Rd, 502 New Lake Rd, 504 New Lake Rd, 506 New Lake Rd, 508 New Lake Rd, 510 New Lake Rd, 512 New Lake Rd, 514 New Lake Rd, 516 New Lake Rd, 518 New Lake Rd, 520 New Lake Rd, 522 New Lake Rd, 524 New Lake Rd, 526 New Lake Rd, 523 New Lake Rd, 521 New Lake Rd, 519 New Lake Rd, 517 New Lake Rd, 515 New Lake Rd, 513 New Lake Rd, 511 New Lake Rd, 509 New Lake Rd, 507 New Lake Rd, 505 New Lake Rd, 503 New Lake Rd	17.291 AC	\$500.00
14. Block 28.55, Lot 24	105 North Shore Pt	.345 AC	\$200.00
15. Block 8, Lots 51, 53	14 Oak Ridge Rd, 18 Oak Ridge Rd	3.285 AC	\$200.00
16. Block 16.07, Lot 4	134 Riverview Way	.529 AC	\$200.00
17. Block 18.49, Lot 8	634 Sleepy Hollow Rd	.394 AC	\$200.00
18. Block 18.50, Lot 7	638 Sleepy Hollow Rd	.351 AC	\$200.00
19. Block 18.43, Lot 44	116 Tomahawk Terr	.773 AC	\$200.00
20. Block 18.43, Lot 47	122 Tomahawk Terr	.929 AC	\$200.00
21. Block 18.42, Lots 56, 57, 58	331 Wagon Wheel Rd, 329 Wagon Wheel Rd, 327 Wagon Wheel Rd	1.983 AC	\$200.00
22. Block 18.42, Lots 42, 52, 51, 50, 49, 47, 46, 45, 44, 43	322 New Rd, 339 Wagon Wheel Rd, 341 Wagon Wheel Rd, 343 Wagon Wheel Rd, 345 Wagon Wheel Rd, 349 Wagon Wheel Rd, 351 Wagon Wheel Rd, 353 Wagon Wheel Rd, 355 Wagon Wheel Rd, 357 Wagon Wheel Rd,	7.376 AC	\$500.00
23. Block 18.57, Lot 108, CO101	201 Old Chimney Ridge Rd	[Property is a Condominium Unit]	\$500.00

### **SECTION 3. SPECIAL CONDITIONS OF SALE.**

A. The properties shall be sold subject to the limitations and conditions set forth in this Ordinance. Bidders are responsible to secure all approvals. The Township does not make any representations as to the quality of the property being sold or that it will meet the bidder's intended use.

B. The lots included in each grouping, above, numbered one (1) through twenty-three (23), respectively, shall be sold as a single entity, with the expectation that all lots in each respective grouping shall ultimately be consolidated into a single, reconfigured lot by the deed conveying the lots to the successful bidder for each respective grouping.

C. The properties shall be sold and accepted in "as is" condition.

D. Potential bidders are required to perform due diligence before bidding. This should include a review of zoning ordinances, NJDEP requirements, and other applicable statutes, regulations and ordinances. Once the bidding is closed and the Township accepts the bids, the highest bidder will be required to enter into a contract which will not allow for cancellation of the sale.

**SECTION 4. ORDINARY CONDITIONS OF SALE.** The Mayor and Township Committee of the Township of Montague do hereby establish the following conditions of sale. These conditions shall be imposed upon all bids submitted herein:

A. The properties shall be advertised for public sale pursuant to the requirements and procedures set forth in the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.

B. Each successful bidder for the property contained must submit a deposit in the amount of 10% of the bid price at the time of the auction. Said payment shall be made by cash or certified check. The balance shall be paid by the successful bidder at the closing by certified check held 30 days after the Township Committee's award of the contract of sale.

C. Properties to be conveyed pursuant to the auction hereby authorized shall be conveyed by the Township by way of Quitclaim Deed ('Deed of Conveyance'), without any representations as to the quality of title, except that the Township represents that to the best of its knowledge there are no judgments or liens against the municipality, which would affect the quality of title.

D. The Deed of Conveyance, in addition to conveying the properties from the Township to each successful bidder, shall serve to consolidate all of the lots in each grouping, above, numbered one (1) through twenty-three (23), into a single, reconfigured lot, so that each successful bidder will ultimately take possession of a single lot, comprised of all of the lots in the grouping for which their bid was successful.

E. No variances shall be requested and/or permitted pursuant to this Ordinance.

F. All lots will be conveyed subject to existing encumbrances, liens, zoning regulations, easement, other restrictions and such facts as an accurate survey would reveal and any

present or future assessments for the condition of improvements benefiting said property.

G. Failure of the purchasers to comply with any of the requirements set forth above, or to close within the time frame set forth by the Township in its Resolution awarding the bids shall entitle the Township of Montague to rescind prior bid approval, terminate any and all rights of the designated bidder in said property, and retain all monies held by the Township.

H. All bids shall be referred to the Township Committee for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Township of Montague reserves the right to accept the highest bid or to reject any and all bids as described hereof; including the highest bid and shall make its decision known by Resolution within thirty (30) days after the bids are received.

I. Upon the close of bidding, the highest, qualified bidder, as designated by the Township Clerk, shall submit cash or certified check as set forth more fully above and shall immediately execute an Offer to Purchase at their bid price, which offer shall include the terms and conditions specified herein. That offer shall be irrevocable for sixty (60) days from the date of the public sale.

**SECTION 5. MISCELLANEOUS AUTHORIZATION.** The Mayor, Clerk, and such other municipal officials as are deemed necessary to effectuate the intent and purposes of this Ordinance are hereby authorized to take any required actions for this purpose. The Township Engineer is hereby authorized to conduct surveys of the properties and to take any other required actions, if separately authorized by the Township Committee by Resolution.

**SECTION 6. EFFECTIVE DATE; NOTICE OF BID.** This Ordinance shall become effective upon passage and upon publication and the Township Clerk is hereby authorized to advertise this sale by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of sale set forth above.

**SECTION 7. ULTIMATE DISCRETION.** The Township Committee will have absolute discretion to determine whether to award bids pursuant to this Ordinance, by adopting a Resolution within thirty (30) days of deciding to accept a bid.

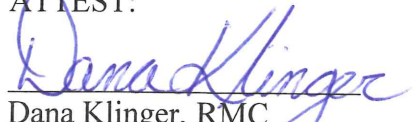
**SECTION 8. INCONSISTENCY.** All Ordinances of the Township of Montague which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 9. PARTIAL INVALIDITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall take effect immediately following adoption.

Adopted: May 24, 2022

ATTEST:

  
Dana Klinger, RMC  
Deputy Municipal Clerk

  
Richard E. Innella, Mayor

<b>RECORD OF COMMITTEE VOTES</b>				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
GEORGE ZITONE	X			
MAYOR RICHARD INNELLA	X			

X