

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD AUTHORIZING THE SALE
OF PROPERTY KNOWN AS BLOCK 5.26, LOT 63 ON THE TAX MAP
OF DEPTFORD TOWNSHIP BY PUBLIC AUCTION AS REQUIRED BY LAW**

WHEREAS, the Township of Deptford, in the County of Gloucester ("Township"), is the owner of Block 5.26, Lot 63, as shown on the Tax Maps of the Township of Deptford (the "Property"); and

WHEREAS, the Township desires to sell the Property; and

WHEREAS, the Township Council of Deptford Township has determined that the Township's ownership of the Property is no longer necessary for a public purpose; and

WHEREAS, the Township Council has determined it to be in the public interest to sell the Property by public sale at auction to the highest bidder in accordance with N.J.S.A. 40A:12-13(a).

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Deptford that:

Section 1. The Township Council declares that the Township's ownership of Block 5.26, Lot 63 (the "Property"), as shown on the Tax Maps of the Township of Deptford, is no longer necessary for a public purpose and that the sale of the Property is authorized pursuant to N.J.S.A. 40A:12-13(a).

Section 2. The sale of the Property shall be by public sale at auction to the highest bidder.

Section 3. The sale shall be held at the Municipal Building, located at 1011 Cooper Street, Deptford, NJ 08096.

Section 4. An Invitation for Bids shall be published in accordance with the law and bids may be accepted in accordance with the terms and conditions of the Invitation for Bids. All bids shall satisfy any requirements and meet any terms and conditions of the Invitation for Bids.

Section 5. The Invitation for Bids shall contain the following conditions for the sale:

(a) The highest bidder for the Property will be the purchaser, subject to the provisions below.

(b) Prior to commencement of the auction, every person who wishes to bid will be required to provide to the person conducting the auction or to his or her assistant, cash or a certified, bank or cashier's check in the amount of \$1,000.00, payable to the "Township of Deptford" as a security deposit. Persons who have not presented such cash or a certified, bank or cashier's check will not be permitted to bid.

(c) Any person bidding on behalf of a corporation or limited liability company must either submit a copy of a Resolution or letter on its business stationary signed by the President or Managing Member of the entity authorizing the bidder to bid on behalf of the entity. A person bidding on behalf of a partnership or using a trade name must submit a letter of authorization from the other majority partners and certifying their ownership interest, and in the event of the use of a trade name, a copy of the filed Certificate of Trade Name.

(d) The Township will only accept bids calling for an all cash purchase. Full payment of the purchase price must be received at the time of closing as set forth in the Contract of Sale. The successful bidder will be required to pay, by either cash or by certified, bank or cashier's check, a deposit equal to ten (10%) percent of the purchase price, less the deposits referenced in 5(b) above, within three (3) business days of acceptance of the successful bid and authorization of the Township Manager and Township Clerk to sign the Contract for Sale by Resolution of the

Township Council, with the balance to be paid by either cash or certified check at closing. Pending sale, the Contract deposit and the deposit referenced in 5(b) above will be held by the Township in a non-interest bearing escrow account, with the total deposit to be credited to the purchase price.

(e) The sale is being made subject to the following terms, conditions, restrictions and limitations:

- 1) All bidders must satisfy any requirements and meet any terms and conditions of a Contract of Sale. The successful bidder will execute a Contract of Sale upon completion of bidding and payment of the required deposit.
- 2) No contingencies, such as title, environmental or financial, are permitted.
- 3) In the event that the successful bidder fails to pay the Township, the bidder shall forfeit all deposit monies made to the Township. No refunds will be made by the Township.
- 4) The successful bidder shall pay the cost of recording fees for the Deed.
- 5) The sale shall be subject to adjournment or cancellation by the Township Council.
- 6) The minimum amount bid to acquire the Property shall be \$5,000.00.
- 7) The Township reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all bids at the public sale and not to award to the highest bidder. The Township reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsive and responsive bid deemed to be in the best interest of the Township.
- 8) The Township's acceptance or rejection of bids shall be made not later than at the second regular Township Council meeting following the auction. No bid shall be considered finally accepted until passage by the Township Council of a Resolution accepting such bid. The closing shall occur not later than thirty (30) days from the date of Contract is signed by the Township Manager and Township Clerk.
- 9) Any material prepared and distributed in connection with the auction is for convenience purposes only and is intended to give prospective bidders a general understanding of the condition, location and size of each property. The Township is not responsible for errors that may appear in such materials. Each prospective bidder is urged to thoroughly research and examine each property prior to making a bid. Prospective bidders desiring to inspect each property should contact Don Bank's at the Township's Municipal Building.
- 10) THE TOWNSHIP SELLS EACH PROPERTY IN "AS IS" AND "WHERE IS" CONDITION AND MAKES NO REPRESENTATIONS OR WARRANTIES REGARDING ANY ASPECT OF EACH PROPERTY.
- 11) The Township will convey each property by a Quit Claim Deed.
- 12) BIDDER(S) SHALL INDEMNIFY AND SAVE HARMLESS THE TOWNSHIP AND ANY OF ITS OFFICIALS, OFFICERS, EMPLOYEES, ASSIGNS, DESIGNEES, AGENTS OR CONTRACTORS AND THE AUCTIONEER, AND ANY OF ITS OFFICIALS, OFFICERS, EMPLOYEES, ASSIGNS, DESIGNEES, AGENTS OR CONTRACTORS FOR ANY DISCREPANCIES OF ANY TYPE AND FOR ANY ERRORS OR OMISSIONS OF ANY TYPE IN PRINT, ADVERTISING OR ANNOUNCEMENTS AND FOR ANY REPRESENTATIONS OR STIPULATIONS,

ORAL OR WRITTEN. THE TOWNSHIP MAKES NO WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, REGARDING THE PROPERTY.

13) The successful bidder must abide by the terms and conditions of the Remedial Action Protectiveness/Biennial Certification Form, as issued by the New Jersey Department of Environmental Protection, which governs the Property. These documents are available for review at the Township's Municipal Building.

14) Any proposed development of the Property will be subject to the requirement of a 100-foot buffer to the rear of the Property adjacent to the residential properties.

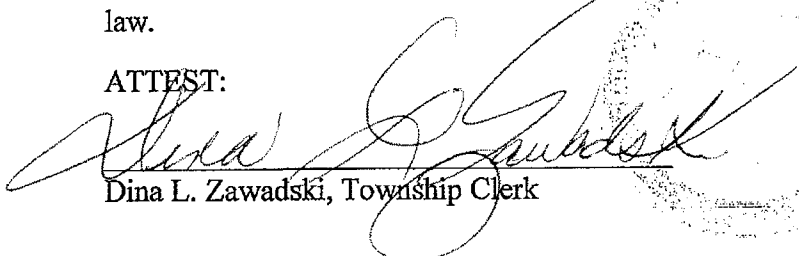
Section 6. The Mayor, Township Manager, Township Clerk or such other Township officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to affect the auction sale authorized by this Ordinance and the transfer of title to the successful bidder.

Section 7. If any article, 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 and they shall remain in full force and effect.

Section 8. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Township Code of the Township of Deptford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

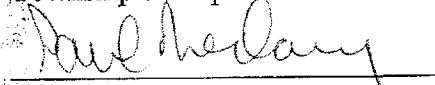
Section 9. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:



Dina L. Zawadski, Township Clerk

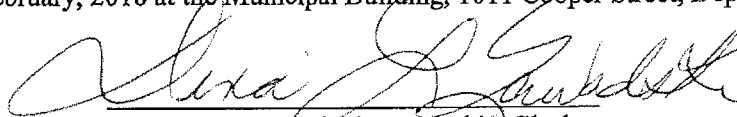
Township of Deptford



Paul Medany, Mayor

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 5th day of February, 2018 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 26th day of February, 2018 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.



Dina L. Zawadski, Township Clerk

RECORD OF VOTE – Introduction O.04.18					RECORD OF VOTE – Adoption O.04.18				
Council Member	Yes	No	Abstain	Absent	Council Member	Yes	No	Abstain	Absent
Medany	✓				Medany	✓			
Hufnell	✓				Hufnell	✓			
Barnshaw	✓				Barnshaw	✓			
Lamb	✓				Lamb	✓			
Love	✓				Love	✓			
Schocklin	✓				Schocklin	✓			
Scott	✓				Scott	✓			