

ORDINANCE 2023-13

ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF 485 PARKERTOWN ROAD ALSO KNOWN AS BLOCK 114, LOT 62 ON THE TAX MAP OF THE TOWNSHIP OF LITTLE EGG HARBOR PURSUANT TO N.J.S.A. 40A:12-13.2 AND N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township is the owner of property located at 485 Parkertown Road, Little Egg Harbor, also known as Block 114, Lot 62, on the Tax Map of the Township of Little Egg Harbor, and same is no longer needed for public use; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13.2, “[n]otwithstanding any provision of law to the contrary, whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land; and

WHEREAS, 485 Parkertown Road, also known as Block 114, Lot 62, is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(5), the Township may authorize a sale to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and



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WHEREAS, an opportunity was offered to both contiguous property owners of 485 Parkertown Road, namely Ryan Martin/Dana Cannon and Project Property Rehab LLC, to which only Ryan Martin/Dana Cannon indicated interest in purchasing said undersized vacant lot; and

WHEREAS, the Township Appraiser has provided an appraisal of Block 114, Lot 62 and by correspondence dated February 3, 2023 to the Township Administrator, stated that \$15,000 to \$16,000 would not be unreasonable for the subject property; and

WHEREAS, any such sale by the Township pursuant to N.J.S.A. 40A:12-13(b)(5) shall be for not less than the fair market value of said real property; and

WHEREAS, the Township has accepted an offer of \$15,000 from the contiguous property owner, Ryan Martin/Dana Cannon and has determined that said purchase price is a fair market value; and

WHEREAS, in the case of any sale of real property hereafter made pursuant to N.J.S.A. 40A:12-13(b), a list of the property so authorized to be sold, together with the minimum price, respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property is situated, within five days following enactment of said resolution or ordinance; and

WHEREAS, offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative; and



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WHEREAS, in any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property in question for public sale; and

WHEREAS, the Township shall file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this N.J.S.A. 40A:12-13(b); and

WHEREAS, the Township desires to enter into a Contract for Sale for 485 Parkertown Road, also known as Block 114, Lot 62, in the Township of Little Egg Harbor and take the necessary action to authorize transfer of title at closing.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Little Egg Harbor, as follows:

SECTION 1. That the governing body, as owner of 485 Parkertown Road, also known as Block 114, Lot 62, in the Township of Little Egg Harbor, authorizes the acceptance of the offer of \$15,000 from Ryan Martin and Dana Cannon, contiguous property owners, and finds same accords with the fair market value pursuant to N.J.S.A. 40A:12-13(b)(5).

SECTION 2. That the governing body hereby further authorizes execution of a any and all documentation necessary to sell 485 Parkertown Road, also known as Block 114, Lot 62, in the Township of Little Egg Harbor to Dana Cannon and Ryan Martin, contiguous property owners to said vacant, undersized lot, and the Mayor is hereby authorized to execute and the Township Clerk to attest to any such documentation.

SECTION 3. That the Township Attorney is authorized to prepare any and all necessary documentation to effectuate the sale of 485 Parkertown Road, also known as Block 114, Lot 62, in the Township of Little Egg Harbor.



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SECTION 4. That a copy of this ordinance shall be forwarded to the Township Administrator, Township Attorney, Dana Cannon, Ryan Martin and the Director, Local Government Services, State, Department of Community Affairs.

SECTION 5. That the Township Clerk is directed to post on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and to advertise thereof in a newspaper circulating in the municipality or municipalities in which the real property is situated, within five (5) days following enactment of said ordinance, the property so authorized to be sold, together with the minimum price, respectively (485 Parkertown Road aka Block 114, Lot 62, \$15,000) as determined by the governing body.

SECTION 6. That the Township Clerk is further directed to file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this N.J.S.A. 40A:12-13(b).

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9. This ordinance shall take effect after second reading and publication as required by law.



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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the **11th** day of **May, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **8th** day of **June, 2023**, at 7:30 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, at such time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

KELLY LETTERA, RMC
Township Clerk
Township of Little Egg Harbor

BLAISE SCIBETTA, MAYOR

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

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