

**RESOLUTION AUTHORIZING THE SALE OF CERTAIN LAND
AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY
THE TOWNSHIP OF WASHINGTON**

WHEREAS, the Township of Washington is the owner of certain lands and capital improvements within the Township of Washington; and

WHEREAS, the Township Committee of the Township of Washington does hereby determine that the land and property set forth in Schedule A is no longer needed for public use; and

WHEREAS, the Township desires to make available for public sale said land in accordance with N.J.S.A. 40A:12-13(a).

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

1. The Township Committee hereby declares that the land and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.

2. The Township of Washington hereby authorizes and directs the Township Administrator or such other person as she shall appoint, to offer for sale to the highest bidder by open public sale at auction, the property described in Schedule A attached hereto and made a part hereof.

3. The public sale shall take place at the Township of Washington Municipal Building, located at 43 Schooley's Mountain Road, Long Valley, New Jersey 07853 on _____, at 10:00 a.m. or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

4. The public sale, if not canceled, shall take place by open public sale at auction to the highest bidder. There shall be a minimum bid price of \$234, 440.

5. The successful bidder at the time of sale must present a certified check, money order or cash in the amount of ten (10%) percent of the bid. The balance of the purchase price shall be paid at closing which shall occur not later than 45 days following the acceptance of the bid by the Township. The purchaser shall be entitled to possession immediately following closing of title.

6. At closing of title, purchaser shall submit an additional sum of money equal to the cost of the broker's commission, if any, and, if requested, the recording of the Township's Deed.

7. The Township reserves the right to accept or reject any and all bids at the public sale and to not award to the highest bidder.

8. In the event the Township of Washington 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 Township 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 Township shall extinguish any claims that said purchaser may have against the Township of Washington in connection with the quality of title conveyed.

9. The property herein sold is subject to 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 Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

10. The sale by the Township of lots that are undersized, located on unimproved roads, landlocked or otherwise non-conforming, shall in no way be construed as an indication that building permits can be secured for said lots.

11. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance.

12. The property is subject to an agriculture easement for the benefit of the County of Morris and its successors, which restricts the use of the property to agriculture purposes.

13. The Township Committee reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth in Paragraph 14 hereof.

14. Acceptable bids shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale.

15. This Resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Township 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.

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

17. This resolution shall take effect immediately.

ATTEST:
TOWNSHIP

TOWNSHIP COMMITTEE OF THE
OF WASHINGTON

Dianne S. Gallets, Clerk

, Mayor

CERTIFICATION

I, Dianne S. Gallets, Clerk of the Township of Washington, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Township at a meeting held on _____, 2009.

Dianne S. Gallets, Clerk

Dated:

SCHEDULE A

<u>Block</u>	<u>Lot</u>	<u>Acreage</u>	<u>Zone</u>	<u>Location</u>	<u>Minimum Price</u>
60	1 & 5	58.11	R-5	Parker Road	\$234,440.00

Note: A metes and bounds description is attached hereto as Exhibit A. This property is subject to an agriculture easement in the name of the County of Morris, an access/parking easement for the benefit of the Fairmount Fire Company, a New Jersey Power & Light Company easement and an access easement for the benefit of Block 60, Lot 12.

The property has been the subject of an environmental cleanup.

There is currently an encroachment on the property consisting of hardwood trees planted by the owners of Block 60, Lot 3 on .63 acres.

Additional information is available in the office of the Township Administrator.