

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 017-2022

**RE: AUTHORIZING THE SALE OF LAND TO WIT, BLOCK 479, LOTS 70 AND 72
TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION GREEN ACRES PROGRAM**

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 479, Lots 70 and 72; and

WHEREAS, the Township has received an offer from the State of New Jersey Department of Environmental Protection Green Acres Program, hereinafter referred to as “NJDEP”, to purchase said parcels; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township; and

WHEREAS, the Township Committee has determined that the fair market value of such parcels is the sum of \$82,500.00, as evidenced by an independent appraisal obtained by the NJDEP and confirmed by the Tax Assessor of the Township of Upper; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee in the Township of Upper, County of Cape May and State of New Jersey as follows:

SECTION 1: The Township of Upper is hereby authorized to sell to the NJDEP the real property commonly known as follows:

Block 479, Lots 70 and 72

in accordance with N.J.S.A. 40A:12-13(b)(1). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 479, Lots 70 and 72

Fair Market Value: \$82,500.00

SECTION 2: Prior to said sale, either the Township or the NJDEP will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey.

SECTION 3: The list of property authorized to be sold together with the sale price shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper

circulating in the Township within 5 days following enactment of this Ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this Ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the NJDEP shall purchase same in accordance with this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property any time prior to consummation said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 5: At the time of closing, the NJDEP shall be required to pay the following sums in addition to the purchase price:

- (A) Any sums required for title insurance.
- (B) The cost of any survey ordered by the purchaser.
- (C) Title company settlement fees covering services to the purchaser.

SECTION 6: The Deed from the Township of Upper shall be what is commonly known as a Bargain and Sale Deed.

SECTION 7: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 8: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the sole remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price. This sale is under and subject to any riparian claim which

may affect said property. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains any wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 9: All references to Blocks and Lots described herein are to the Blocks and Lots as shown on the Current Official Tax Map of the Township of Upper.

SECTION 10: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 11: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:

BARBARA L. YOUNG, Township Clerk

CURTIS T. CORSON, JR., Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23RD DAY OF MAY, 2022 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27TH DAY OF JUNE, 2022 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: May 23, 2022

Publication: May 27, 2022

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: June 27, 2022

Final Adoption: June 27, 2022

Final Publication Date: July 1, 2022

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on June 27, 2022 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on July 1, 2022.

BARBARA L. YOUNG, Township Clerk