

**O-17-18**  
**04/19/17**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY (555 KENNEDY BOULEVARD A/K/A BLOCK 208, LOT 24 AND 557 KENNEDY BOULEVARD A/K/A BLOCK 208, LOT 25 AS SHOWN ON THE TAX MAP OF THE CITY OF BAYONNE) OWNED BY THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.**

**WHEREAS**, the Local Lands and Building Laws, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the City of Bayonne is or soon will be the owner of certain real property as further set forth herein not needed for public use, and the Mayor and Council have determined that it is in the best interest of the City to sell the same to generate revenue, reduce taxes and liabilities.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Bayonne, as follows:

**SECTION 1.** 555 Kennedy Boulevard (Block 208, Lot 24), Bayonne, New Jersey as further described in Schedule A attached hereto and 557 Kennedy Boulevard (Block 208, Lot 25), Bayonne, New Jersey as further described in schedule B attached hereto shall be offered for sale, pursuant to N.J.S.A. 40A:12-13 at separate public auctions to the highest bidder. The public auction shall be held at the City of Bayonne's Municipal Building at 630 Avenue C, Bayonne, New Jersey or such other place as shall be designated by the City at a date to be set by the City Clerk and published in accordance with law.

**SECTION 2.** Each property sale shall be subject to the following terms:

1. That no representations of any kind are made by the City of Bayonne as to the condition of the property, said property is being sold in its present condition "as is". Additionally, the City makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property.
2. That the City will execute a Quitclaim Deed mutually acceptable in form and substance to both parties.
3. That the Purchaser, at its sole expense, shall have a right to conduct environmental and other inspections of the property with results satisfactory to Purchase and its lender but must complete such inspections within thirty (30) days of bid acceptance.
4. That the Purchaser shall obtain a survey of the entire tract, which said survey will be at Purchaser's sole expense, in form and substance satisfactory to the City and the Purchaser; and said survey shall be certified to the City.

5. Purchaser's receipt of a title commitment, which title commitment shall be at Purchaser's sole expense, with respect to the property, to be obtained, stating that Seller has good, indefeasible and marketable fee simple title to the property, free and clear of all liens and encumbrances except such matters as may be acceptable to Purchaser.

6. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

**SECTION 3.** This sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Mayor and Municipal Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements or personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

**SECTION 4.** The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the City of Bayonne.

**SECTION 5.** That should the title to the property prove to be unmarketable for any reason, the liability of the City shall be limited to the repayment to the Purchaser of the deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim must be served on the City Clerk, by the Purchaser, in writing no later than thirty (30) days after the sale is approved by the Municipal Council, failure upon the part of the Purchaser to give written notice within said time shall be deemed conclusive proof that the Purchaser accepts the title in its present condition.

**SECTION 6.** In addition to the terms and conditions set forth herein, successful bidders agree that the City may impose the following conditions:

- i. To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.
- ii. To pay by the time of closing:
  - a. The balance of the purchase price.
  - b. The cost of preparation of all legal documents including any special property description.
  - c. The prorated real estate taxes, for the balance of the current year as of the date of closing.

iii. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from these regulations.

iv. That in the event Purchase fails to close title, Purchaser shall forfeit to the City of Bayonne any and all money deposited with the City.

v. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

**SECTION 7.** The City reserves the right to withdraw the offer of sale and reject any and all bids.

**SECTION 8.** All sales are subject to final approval by the Municipal Council.

Parties interested in submitting bids and who require additional information should contact:

William Opel, Esq., Assistant City Attorney  
City of Bayonne Law Department  
630 Avenue C  
Bayonne, NJ 07002

**SECTION 9.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION 10.** All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 11.** The Mayor, Business Administrator, City Clerk and Director of Law are hereby authorized to execute all documents necessary for the conduct of this auction and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds and other conveyance documents.

**SECTION 12.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

SCHEDULE A – 555 Kennedy Boulevard

BEGINNING at a point in the northwesterly side of the New Public Road formed by Avenue B, distant 52.56 feet southwesterly from the intersection of said northwesterly side of the New Public Road with the southwesterly side of West 22<sup>nd</sup> Street; thence (1) Northwesterly parallel with West 22<sup>nd</sup> Street, 105 feet; thence (2) Southwesterly parallel with the New Public Road 25 feet; thence (3) Southeasterly parallel with the first course 105 feet to the said line of the New Public Road; and thence (4) Northeasterly along said northwesterly line of the New Public Road 25 feet to the place of BEGINNING.

Being also known as Lot 24 in Block 208 on the Tax Map of the City of Bayonne.

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SCHEDULE B – 557 Kennedy Boulevard

Beginning at a point in the westerly line of Kennedy B'lv. distant 27.67 feet southerly from the intersection of the westerly line of Kennedy B'lv. and the southerly line of W. 22<sup>nd</sup> Street, thence: (1) Southerly and along the westerly line of Kennedy B'lv. having a bearing of S. 42° 20' W. for a distance of 25.00' to a point, (2) Westerly and along a line having a bearing of N. 47° 34' W. for a distance of 105.00' to a point (3) Northerly and along a line having a bearing of N. 42° 20' E. for a distance of 25.00' to a point, (4) Easterly and along a line having a bearing of S. 47° 34' E. for a distance of 105.00' to the westerly line of Kennedy B'lv. being the point or place of beginning.

Being also known as Lot 25 in Block 208 on the Tax Map of the City of Bayonne.