

TOWNSHIP OF MAPLE SHADE

ORDINANCE 2025-03

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN TOWNSHIP OWNED LAND NO LONGER NEEDED FOR PUBLIC USE TO CONTIGUOUS PROPERTY OWNER MICHAEL MCCLURE IN ACCORDANCE WITH THE LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Township Council has determined that certain municipally owned land designated as Block 120, Lots 8 and 9 on the tax map of the Township of Maple Shade (hereinafter the "Property"), consisting of two (2) undersized parcels of land, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5), and,

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use; and,

WHEREAS, specifically, N.J.S.A. 40A:12-13(b)(5) allows the sale of municipally owned property at a private sale, instead of at an auction, in certain circumstances. N.J.S.A. 40A:12-13(b)(5) provides, in part, that:

A sale to the owners 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. Any sale shall be for not less than the fair market value of said real property; and,

WHEREAS, the Township Council of the Township of Maple Shade is of the opinion that the criteria set forth in N.J.S.A. 40A: 12-13(b)(5) are present; namely, the Property is less than the minimum size required for development in the zoning district where same is located and is without any capital improvements, and that there is only one owner with real property contiguous thereto;

WHEREAS , the Tax Assessor of the Township has determined the Fair Market Value of the Property to be Ten Thousand Dollars (\$10,000.00) per lot for a total of Twenty Thousand Dollars (\$20,000.00); and,

WHEREAS, the Township Council of the Township is of the opinion that the Property is no longer useful to the Township and wishes to authorize the sale thereof in accordance with the applicable law as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Maple Shade, County of Burlington, State of New Jersey as follows:

1. The Township Council hereby authorizes the sale of the Properties identified as Block 120, Lots 8 and 9 to Michael McClure for the sum of \$10,000.00 per lot, or a total of \$20,000.00.
2. The Property is being sold by the Township "as is".

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3. The Township does not warrant or certify title to the Property and in no event shall the Township of Maple Shade be liable for any damages to the purchaser if title is found unmarketable for any reason and the purchaser waives any and all right in damages or by way of liens against the Township, the sole remedy being the right to receive a refund, prior to closing, of any deposit paid in the event title is found unmarketable. It shall be the obligation of the purchaser to examine title to the Property prior to the closing. In the event of closing and later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.

4. The Township Attorney is authorized to prepare the necessary closing documents to convey the Property to the Purchaser.

5. The Township Mayor and Township Clerk are authorized to sign the necessary closing documents.

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

NOTICE OF INTRODUCTION

The foregoing ordinance was introduced at a meeting of the Maple Shade Township Council, held on March 27, 2025, and was read for the first time. This ordinance will be further considered for final passage at a Regular Meeting of the Township Council to be held on April 24, 2025, at 6:30 P.M. at 200 Stiles Avenue, Maple Shade, NJ 08052

Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who request same during normal operating hours. All interested people will be given the opportunity to be heard concerning the ordinance.

Andrea T. McVeigh, RMC
Maple Shade Township