

AN ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, STATE OF NEW JERSEY, (1) VACATING DESIGNATION OF PUBLIC STREET PURSUANT TO N.J.S.A. 40:67-18, AND (2) AUTHORIZING INITIATION OF PRIVATE SALE OF REAL PROPERTY PURSUANT TO N.J.S.A. 40A:12-13(b)(5)

WHEREAS, by Deed dated August 6, 1932 (the "1932 Deed"), Ruth L. Ross and Roland T. Ross transferred to the Township of West Orange (the "Township") real property commonly known and referred to as Block 80.01, Lot 38 on Highwood Road within the Township (the "Property"); and

WHEREAS, the Property consists of a non-buildable lot that is approximately 6,000 square feet in size; and

WHEREAS, the 1932 Deed contained a restriction pursuant to which the Property was to be used as a public street (the "Restriction"); and

WHEREAS, the Township has never erected or maintained a public street upon the Property; and

WHEREAS, the Township has no intention of ever erecting or maintaining a public street upon the Property; and

WHEREAS, the Township has determined that the public interest will be best served by releasing the Property from the Restriction; and

WHEREAS, the Township has determined that it is in the public interest to conduct a private sale of the Property in conformity with the procedures set forth in N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Tax Assessor, in consultation with the Township's Appraiser, has determined that the fair market value of the Property is \$3,000.00 (the "Fair Market Value");

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Property shall be and is hereby released from the

Restriction, pursuant to N.J.S.A. 40:67-19, such that it is forever discharged from any public right created by or as the result of the 1932 Deed; and

BE IT FURTHER ORDAINED, that the Township shall be and is hereby authorized, pursuant to N.J.S.A. 40A:12-13(b)(5), to initiate a private sale to the highest bidder among any bidders that own any real property contiguous to the Property, subject to the condition that the Property shall not be sold for less than the Fair Market Value, and further subject to the condition that the Property shall only be utilized as a non-buildable lot upon which no principal, accessory or other structures may ever be erected; and

BE IT FURTHER ORDAINED, that all owners of any real property contiguous to the Property shall be provided with notice of their eligibility to submit bids in connection with this private sale of the Property, subject to the condition that the Property shall not be sold for less than the Fair Market Value, and further subject to the condition that the Property shall only be utilized as a non-buildable lot upon which no principal, accessory or other structures may ever be erected, together with a copy of this Ordinance, within twenty (20) days following passage and publication in accordance with law; and

BE IT FURTHER ORDAINED, that notice of this private sale, subject to the condition that the Property shall not be sold for less than the Fair Market Value, and further subject to the condition that the Property shall only be utilized as a non-buildable lot upon which no principal, accessory or other structures may ever be erected, shall be posted on the bulletin board in the Municipal Building upon passage and publication in accordance with law; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with law.

**Karen J. Carnevale,
Municipal Clerk**

**Jerry Guarino,
Council President**

**Honorable Robert D. Parisi
Mayor**

Introduction: June 9, 2015

Adopted: June 23, 2015

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