

Mr. Urbanski offered the following Resolution and moved on its adoption:

**R-06-172  
RESOLUTION  
BOROUGH OF HIGHLANDS**

**RESOLUTION AUTHORIZING THE ADVERTISING FOR BIDS TO  
PURCHASE CERTAIN LAND OWNED BY THE BOROUGH OF  
HIGHLANDS**

WHEREAS, the Block 35, Lot 12 owned by the Borough of is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough of Highlands to advertise for this property for public sale to the highest bidder;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

1. The above property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law ([N.J.S.A. 40A:12-1 et seq.](#)) subject to the following conditions:

(a) Bids shall be received by the Borough Clerk on Wednesday, December 6, 2006, at 8:00 P.M., at the Borough Council Meeting to be held at 171 Bay Avenue, Highlands, New Jersey, in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

**(b) In accordance with NJSA 40A:12-13 et seq, the sale of the subject parcel is subject to the right of first refusal of contiguous land owners, as the property in question has been deemed undersized for development in accordance with the Municipal Land Use Law and Borough Zoning Ordinances and regulations.**

(c) All bids shall be subject to review and final approval of the Borough Council pursuant to *N.J.S.A. 40A:12-13a*. The Borough of reserves the right to accept the highest bid or to reject any and all bids submitted in accordance herewith, subject to the "as is" proviso described in (g) hereof, including the highest bid, and shall make its decision known by resolution within ten (10) days after bids are received.

Bidding will begin at the assessed valuation of \$12,300, and will continue in \$200 increments, until no further bids are received, at which time the bidding will be deemed closed.

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified check in the amount of 10% of his bid and shall immediately execute an offer to purchase at his bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) The highest bidder shall pay an additional deposit of 15% of the amount bid by Cashiers or certified check within 10 days following the acceptance of the apparent highest bid by resolution of the governing body.

(f) Title shall be conveyed by Bargain and Sale Deed with the balance of the purchase price to be paid by Cashiers, certified or Attorney Trust check at a closing to be held within sixty days following adoption of resolution by the governing body awarding said bid.

(g) At closing of title purchaser shall submit an additional sum of money equal to the costs of all advertising of the sale and the Recording of the Borough's Deed.

(h) Bids shall be received for the property "as is", with no representation that the premises are buildable under any applicable federal, state or local law, ordinance or regulation, including but not limited to environmental or zoning laws, ordinances or regulations.

(i) Failure to comply with any of the above requirements or to close on or before shall entitle the Borough of to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(j) The purchaser shall be responsible for terminating any and all existing tenancies.

(k) All lot(s) are conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** October 18, 2006

---

**Nina Light Flannery, Borough Clerk**  
**Carolyn Cummins, Deputy Clerk**

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting held on October 18, 2006.

---

**BOROUGH CLERK/DEPUTY CLERK**