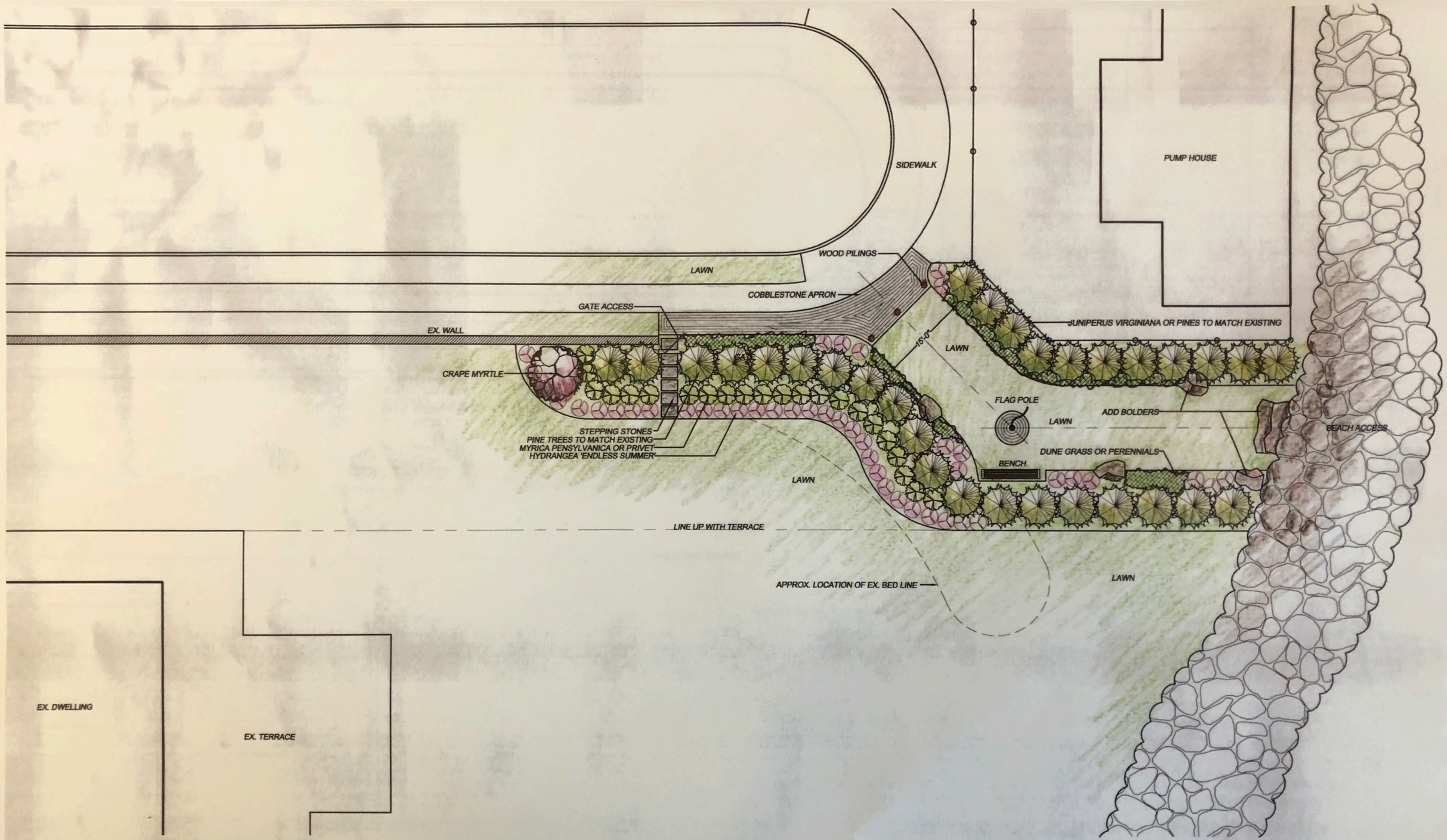


10 ROOSEVELT AVE, DEAL, NJ 07723

LANDSCAPE CONCEPT PLAN

SCALE 1/16= 1'-0"

SCHEMATIC PROGRESS PLAN - NOT FOR CONSTRUCTION 3/ 15 / 2018

ORIDINANCE 1230

ORDINANCE AUTHORIZING THE PRIVATE SALE OF BLOCK 14 LOT 17,
IN THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AT PRIVATE SALE PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Deal is the owner of real property known as Block 14 Lot 17, in the Borough of Deal, County of Monmouth, State of New Jersey (collectively the "Property"); and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Borough to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where the Borough owned Property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of the said real property; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that the Property is not needed for public use, and the sale of the Property will return the Property to the tax rolls of the Borough of Deal, and it is in the best interests of the Borough to offer the Property for sale at a private sale to an owner of real property contiguous thereto, to the highest bidder; and

WHEREAS, there being two property owners contiguous to the property, Block 14, Lots 16 & 17.01 and Block 14, Lot 11, and the property owner of Block 14, Lot 11 has provided a written statement that they are not interested in purchasing said Property.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey as follows:

SECTION 1. The Borough of Deal is the owner of the following land located within the Borough of Deal (hereinafter referred to as the "Property") and as outlined by the metes and bounds attached hereto:

Block 14, Lot 17 on the Tax Map of the Borough of Deal and located in the R-1 Zone.

SECTION 2. The Board of Commissioners has determined it to be in the public interest to sell said Property at private sale to an owner of real property contiguous thereto, Block 14, Lots 16 & 17.01 in accordance with NJ.S.A. 40A: 12-13(b)(5).

SECTION 3. N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of said real property.

SECTION 4. The Board of Commissioners declares the Property to be surplus and not needed for public use.

SECTION 5. There being two contiguous property owners, one of the property owners, Block 14, Lot 11, has provided a written statement that they are not interested in purchasing any portion of said property, therefore leaving only one interested contiguous property owner thereby alleviating the need to receive bids.

SECTION 6. The following conditions for the bid of the Property apply:

(a) The purchase price for the sale of the Property shall be $1,000,000.00.

(b) The Borough will only accept payment calling for an all-cash purchase of the Property. The purchasing property owner will be required to pay, by either cash, wire transfer or bank check, a deposit equal to ten (10%) percent of minimum price of the amount of the Property at the adoption of this ordinance, with the balance to be paid by either cash, wire transfer or bank check at closing of the title.

(c) The sale of the Property is being made subject to the terms, conditions, restrictions and limitations of a Contract of Sale, which is on file with the Municipal Clerk, including but not limited to the following terms and conditions:

1) The Property is being sold in an “AS IS” WHERE-IS” condition. The successful purchaser is responsible for conducting any and all inspections and testing of the Property at its own cost and expense.

2) The successful purchaser shall pay prorated real estate taxes for the balance of the current year as of the date of closing of title.

3) The closing of title to the Property is “TIME OF THE ESSENCE” and must take place on a date as described above, and the failure of the successful purchaser to close title as agreed shall result in the successful purchaser’s forfeiture of any and all money deposited with the Borough.

4) The successful purchaser shall consolidate the Property purchased with their contiguous lots identified as Lots 16 and 17.01 of Block 14 so as to be part of a reconfigured lot in conformance with the zoning requirements.

5) The successful purchaser agrees that they and any successor to title shall be precluded from seeking to subdivide the consolidated property. A deed restriction precluding a future subdivision of the consolidated property shall be recorded with the Monmouth County Clerk’s Office.

6) The deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Borough of Deal without the necessity of entry or reentry.

7) In the event that the successful purchaser fails to close title to the Property, the purchaser shall forfeit all deposit monies made to the Borough. No refunds whatsoever will be made by the Borough of Deal in the event that the successful bidder fails to complete the purchase of the Property within thirty (30) days from the adoption of this ordinance.

8) The purchaser shall pay the cost of recording fees.

9) The purchaser shall pay any and all realty transfer and "mansion" taxes assessed in connection with the sale of the Property.

10) With respect to the sale of the Property herein, NO real estate commission is owed.

11) The Property is being sold "AS IS" "WHERE IS.” The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by the prospective purchaser, at its discretion, and it sole cost and expense, as part of its due diligence.

12) No representations are made by the Borough as to the utility, usability or environmental condition of the Property.

13) The purchaser will pay at the time of closing the fee to change the tax map.

(d) The purchaser must satisfy any requirements and meet any terms and conditions of the Contract of Sale. The successful purchaser will execute the Contract upon adoption of this ordinance and its payment of the required deposit. To execute the Contract, the purchaser shall properly execute the Contract in the signature spaces at the end. Failure to execute the Contract properly shall not affect the obligation of the successful purchaser or the validity of the sale. The deed given by the Borough of Deal for the Property will be a Quit Claim Deed. No title contingencies or conditions are permitted.

(e) The sale shall be subject to adjournment or cancellation by the Board of Commissioners.

(f) It is suggested and recommended that potential purchasers perform title searches and/or last owner and lien searches on the properties that they are interested in bidding upon prior to the date of purchase submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential purchaser exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Borough of Deal shall not be responsible for the costs associated with such searches in the event that the Borough of Deal is unable to convey title and/or if a bid is rejected.

SECTION 6. That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. This Ordinance shall take effect upon final passage and publication in accordance with law.

Introduced by Mayor Cohen on February 5, 2021
Seconded by Commissioner Simhon
Roll Call: Ayes 3; Cohen, Ades and Simhon

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P.
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, , P.E., P.P.
WILLIAM D. PECK, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP

DESCRIPTION OF LOT 17 BLOCK 14 IN THE BOROUGH OF DEAL MONMOUTH COUNTY, NEW JERSEY

Beginning at a point 15 feet south of the southerly right-of-way line of Roosevelt Avenue (70' ROW), said point being at the end of the following two courses:

(1) In the southerly line of Roosevelt Avenue, said point being on a course of S69°37'E a distance of 695 feet, from the intersection of the easterly line of Ocean Avenue (70' R.O.W.), and the southerly line of Roosevelt Avenue:

(2) S20°23'W along the easterly line of Lot 17.01 in Block 14, a distance of 15.00 feet to the point and place of beginning, as shown on the below referenced sketch, and running thence;

1. Southeasterly on a course of S69°37'E a distance of 100 feet more or less, to a point in the westerly line of the stone revetment wall along the Atlantic Ocean, and running thence;

2. Southwesterly along the westerly line of the stone revetment wall, a distance of 140.00 feet more or less to a point, and running thence:

3. Northwesterly on a course of N69°37'W a distance of 51 feet more or less to a point in the easterly line of Lot 17.01, and running thence;

4. Northeasterly on a course of N20°23'E along the easterly line of Lot 17.01 Block 14, a distance of 135.00 feet to a point, said point being the point and place of beginning.

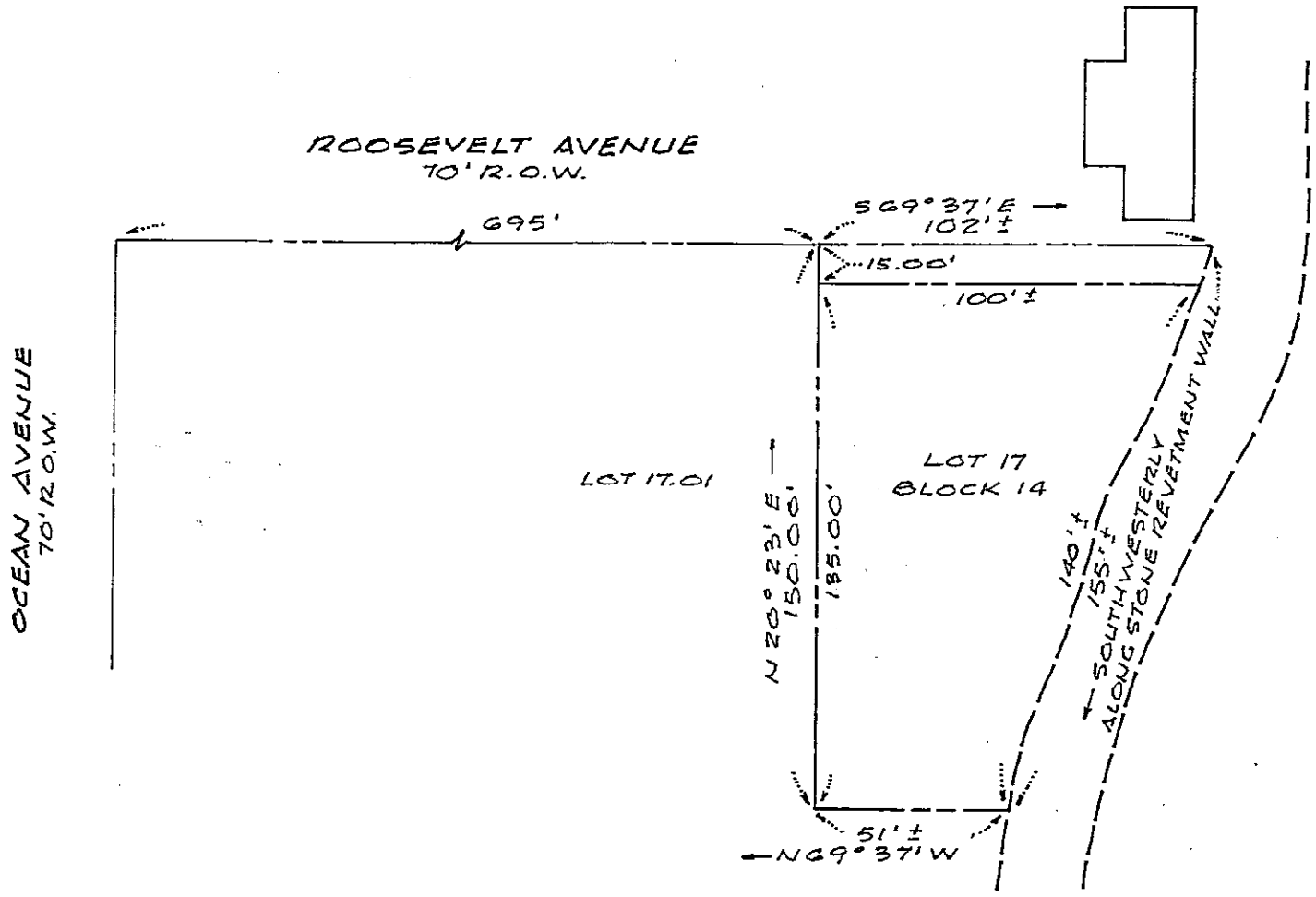
Containing 10,200 Sq. Ft. more or less (0.23 Acres)

This description is made in accordance with a drawing entitled; "Sketch of Lot 17 Block 14 Borough of Deal, Monmouth County, NJ," prepared by Leon S. Avakian, Inc., Consulting Engineers, Neptune, N.J., dated February 3, 2021.

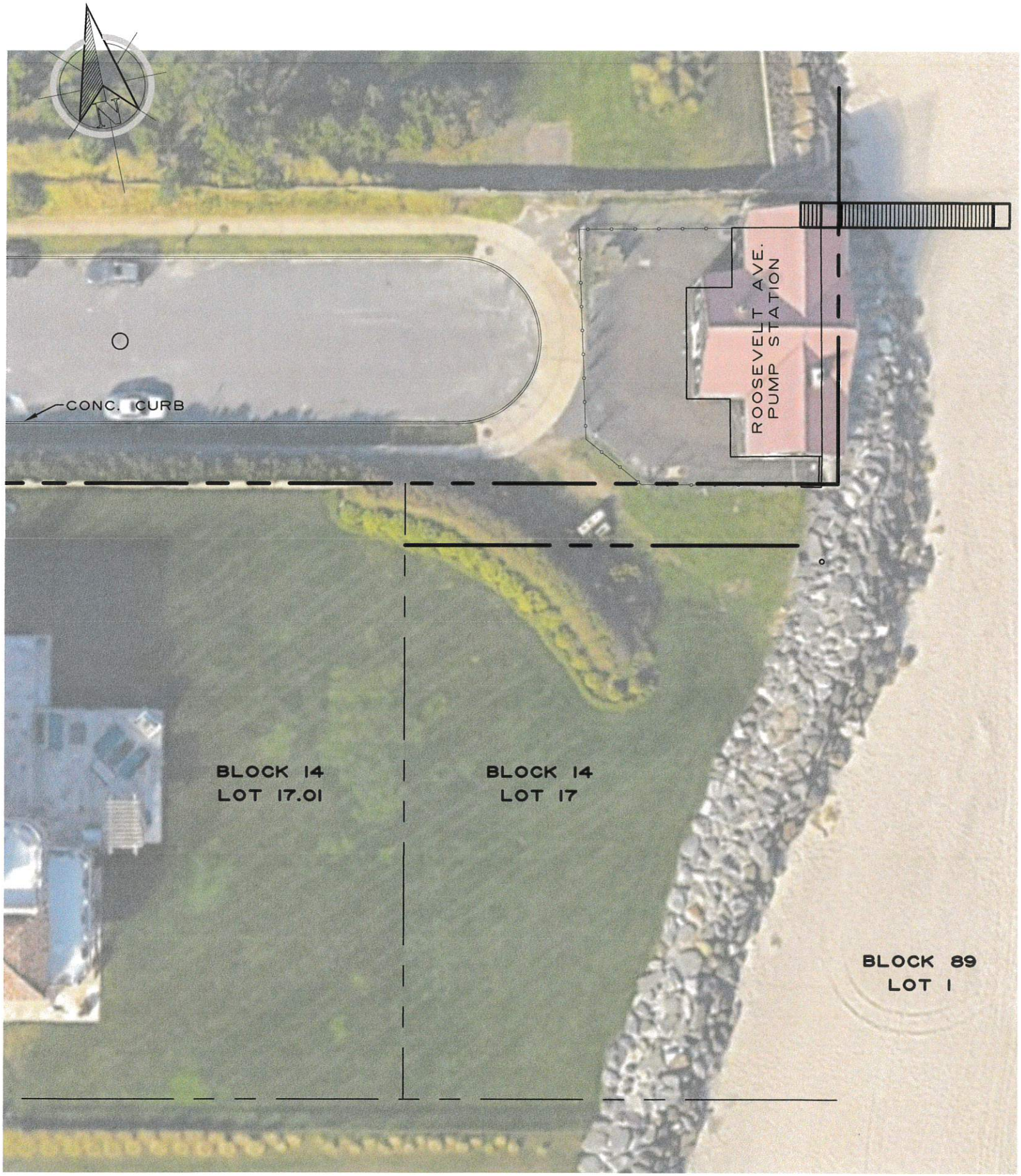
, PLS

Peter R. Avakian, P.E., L.S., P.P.
N.J. License No. 28142

PHONE (732) 922-9229 FAX (732) 922-0044



SKETCH OF LOT 17 BLOCK 14
BOROUGH OF DEAL, MON. CO., NJ
FEB. 3, 2021
LEON S. AVAKIAN, INC.
CONSULTING ENGINEERS
NEPTUNE, NJ


N
CONC. CURB
ROOSEVELT AVE.
PUMP STATION
BLOCK 14
LOT 17.01
BLOCK 14
LOT 17
BLOCK 89
LOT 1
BLOCK 14
LOT 11