

Liberty Township, Warren County

Resolution

Resolution Authorizing the Auction and Advertising for Bids  
to Sell Certain Land Owned by the Township of Liberty

*WHEREAS*, Tax Block 52, Lot 43.01 and Block 44, Lot 1.01 as more specifically depicted in a survey map prepared by Richard L. Schreiter dated 3/12/2008, Job No. 06-098, Field Book No. 23A&24, minor subdivision owned by the Township of Liberty are not needed for public purposes, and are therefore excess lands; and

*WHEREAS*, It is in the best interest of the Township of Liberty to advertise for this property to be sold at public sale to the highest bidder at public auction; and

*NOW, THEREFORE, BE IT RESOLVED*, By the Township Committee of the Township of Liberty, County of Warren, State of New Jersey as follows:

1. The above property shall be advertised for public sale by public auction pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (NJSA 40A:12-1 et seq.) subject to the following conditions;
  - (a) Bids shall be received by the Municipal Clerk on 3 October 2019 at the Liberty Township Municipal Building, 349 Mountain Lake Road, Great Meadows, NJ in the manner of a public auction at 5:00 pm in accordance with procedures to be announced by the Administrator of Liberty Township who shall be administering the public auction on behalf of the Township of Liberty
  - (b) All bids shall be referred to the Township Committee for review and final approval pursuant to NJSA 40A:12-13a. The Township of Liberty reserves the right to accept the highest bidder or to reject any and all bids as described herein, including the highest bid, and shall make its decision known by Resolution within twenty-one (21) days after bids are received
  - (c) A minimum bid of \$220,000 has been established as the lowest sum to be considered for acceptance by the Township Committee
  - (d) Upon the close of bidding, the highest qualified bidder, as designated by the Municipal Clerk, shall submit cash or certified check in the amount of 10% of the bid and shall immediately execute an offer to purchase at the bid price, which offer shall include the terms and conditions specified herein and any other conditions established by the Township of Liberty upon their formal acceptance of the bid by subsequent Resolution. Closing of title shall occur no later than 45 days subsequent to the Resolution of the Township of Liberty accepting the bid unless otherwise agreed to by Liberty Township. At the time of closing of title, the bidder shall produce a certified check payable to the Township of Liberty for the balance then due. Thereafter the Township of Liberty will provide the bidder with a Bargain and Sale Deed subject to among other things the restrictions and conditions as recited in subsection "e"

(e) The deed to the property shall be subject to the following restrictions and conditions: A restrictive covenant will be inserted in the deed which will remain in effect for a period of five years from the date of conveyance. The covenant shall restrict the parcel to be used only for restaurant purposes. The term restaurant as used herein shall mean the onsite preparation of hot and cold food stuffs for retail sale and consumption on premises. It shall however, also allow for “take out” services and the sale of alcoholic beverages for consumption on or off site. Specialty foods and beverages not prepared on site may also be sold to the public from the premises. The term restaurant may include what is commonly known as pizzerias, delicatessen or other like businesses.

In addition, a restrictive covenant will be inserted in the deed which will attach to and run with land forever which will limit the height of any buildings on the parcel to one story but in no event greater than the existing building height, not to exceed eighteen (18) feet in height from top of existing foundation sill plate.

Failure to comply with the restrictive convenient and conditions shall result in the forfeiture/reversion of the subject property to the Township of Liberty without compensation, reimbursement or any other payment to the bidder.

(f) Further failure to close on or before 45 days of acceptance of the bid by Liberty Township by Resolution shall entitle the Township of Liberty to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies previously deposited.

(g) All lots are conveyed subject to existing encumbrances, liens, zoning regulations, easements, and any other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. Further, the lands and buildings being sold herein are being conveyed without any warranties or guarantees as to the condition of the land and buildings or contents there in. The lands, buildings, and contents are being sold in an “as is” condition.