

**NOTICE OF SALE OF PROPERTY – BOROUGH OF TINTON FALLS**

**PLEASE TAKE NOTICE THAT THE BOROUGH OF TINTON FALLS WILL HOLD A SALE OF REAL PROPERTY PURSUANT TO N.J.S.A. 40A: 12-13 ON SEPTEMBER 23, 2009 BEGINNING AT 10:00 A.M. IN THE COURT/COUNCIL CHAMBERS, TINTON FALLS MUNICIPAL COMPLEX, 556 TINTON AVENUE, TINTON FALLS, NEW JERSEY. SAID PROPERTIES WILL BE AVAILABLE FOR INSPECTION ON SEPTEMBER 17, 2009 DURING THE HOURS OF 9:00 A.M. TO 11:00 A.M.**

**PROPERTY FOR SALE**

**BLOCK 66, LOT 4.01    771 TINTON AVENUE            MINIMUM BID: \$275,000.00  
BLOCK 69, LOT 4.01    1188 SYCAMORE AVENUE            MINIMUM BID: \$175,000.00**

**SAID SALE IS AUTHORIZED BY ORDINANCE NO. 04-1119 FURTHER AMENDED BY ORDINANCE NO. 09-1272 AND ORDINANCE NO. 04-1118 FURTHER AMENDED BY ORDINANCE NO. 09-1271**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH  
ORDINANCE NO. 09-1272**

**AN ORDINANCE FURTHER AMENDING ORDINANCE # 04-1119 AUTHORIZING THE SALE OF PROPERTY OWNED BY THE BOROUGH OF TINTON FALLS, DESIGNATED AS BLOCK 66, LOT 4.01 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Tinton Falls is the owner of Block 66, Lot 4.01; and

WHEREAS, under prior Ordinance #04-1119, the Borough Council of the Borough of Tinton Falls authorized the public sale of the above captioned lot and block subject to the terms and conditions contained therein; and

WHEREAS, the subject property is located in the Historic District of the Borough of Tinton Falls and is subject to the rules and regulations of the New Jersey Historical Preservation Office in the Department of Environmental Protection, which Department has required the imposition of certain easements and restrictions previously approved; and

WHEREAS, the Department of Environmental Protection has determined by letter of April 3, 2009, that the Deed of Historic Preservation Easement previously executed and forwarded to the Department of Environmental Protection do not require execution by the Department of Environmental Protection prior to recording; and

WHEREAS, the Borough Assessor has reviewed the appraisal previously received by the Borough for this property and has determined that due to the deteriorating real estate market and the negative economic climate caused by the recent recession, that it is in the best interests of the Borough of Tinton Falls to modify the minimum bid acceptable for the property in accordance with New Jersey Statutes and has submitted a report indicating his recommendation to offer the property at the minimum bid price of \$275,000.00 and

WHEREAS, the prior Ordinance designated a date certain for the sale of the premises which requires further amendment; and

WHEREAS, the Director Of Law has recommended that the date, time and place for the sale of the property shall be fixed by the Borough Clerk and advertised in an appropriate manner in accordance with the Borough Ordinances and Laws of the State of New Jersey,

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, as follows:

1. That Section II of Ordinance # 04-1119 is hereby amended to provide the following:

Block	Lot	Address	Use	Minimum Bid
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66            4.01        771 Tinton Avenue        Residential        \$275,000.00

2.        That Section I of Ordinance # 04-1119 is further amended to provide that the public sale shall be held by the Borough Clerk at the Tinton Falls Borough Municipal Building, Main Meeting Room, 556 Tinton Avenue, Tinton Falls, New Jersey, at a date and time to be set by the Borough Clerk therefore and advertised in accordance with the Ordinance provisions therein.

*Section I*

The Borough Council has determined that the property described herein is not needed for public use.

*Section III*

The public sale shall be held by the Borough Clerk, at the Tinton Falls Borough Municipal Building, in the Court Room/Council Chambers, 556 Tinton Avenue, on September 23, 2009 at 10:00 A.M. or as soon thereafter as the matter may be reached. Once all written bids for the property are received and opened, all bidding shall begin and close with the highest bid received. All bids shall be in writing at the time set for receiving bids. No bid shall be accepted prior to or after the date, time and place established by this Ordinance. All bids will be reported to the Borough Council at the next meeting whereupon they may reject the highest bid if found to be inadequate.

*Section IV*

It shall be a pre-qualification that any potential bidder be required to deposit with the Borough Clerk a certified check of not less than 10% of the bid. Any potential purchaser failing to comply with this requirement shall be ineligible to participate in the bidding for the purchase of the property.

*Section V*

The Borough of Tinton Falls is offering the property for sale in its present condition. The property is sold "as is". The Borough shall not be required to expend any funds in connection with any environmental law compliance related to this property. The Borough has no knowledge of nor has it been placed on notice, relative to any violation of any environmental law.

The Borough of Tinton Falls represents that the property is located in the Historic District and any changes to the structures will require approval of the Historic Preservation Commission.

*Section VI*

The Borough Council reserves the following rights with regard to this sale and sale:

- A. To adjourn the sale at the time of sale for not more than a week without re-advertising the sale.
- B. To reject any and all bids received.
- C. That the sale is subject to confirmation by the Borough Council which confirmation shall be granted or denied within fifteen (15) days of the sale.
- D. That the sale is subject to approval of the State Historic Preservation Office, which approval shall be applied for by the Borough upon introduction of this Ordinance.

*Section VII*

Prospective bidders should examine the property prior to bidding. The Borough believes title to said property is insurable by a reputable title insurance company at regular rates subject to easements and restrictions of record in effect on the date of the public sale; such Federal, State, County and municipal laws or regulations as may be in effect and apply on the date of the public sale; and to such state of facts as an accurate survey and a visual inspection of property as of the date of the sale may disclose. In the event that the Borough cannot convey insurable title to the property the sole liability to the Borough shall be the return, without interest, of all monies paid by the purchaser to the Borough. Objections to insurability of title must be made by the purchaser to the Director of Law within thirty (30) days after confirmation of the sale by the Borough Council.

*Section VII*

The balance of the purchase price shall be paid by certified check to the Borough of Tinton Falls at the closing upon delivery of the deed. This closing shall take place within forty-five (45) days after the confirmation of the sale by the Borough Council and/or approval of the State Historic Preservation Office. All usual adjustments shall be made as of the date of the transfer of title.

*Section IX*

The property in question is zoned residential in the R-2 Zone.

*Section X*

Title shall be transferred by a quit claim deed and the property shall be conveyed subject to all the conditions of this Ordinance.

*Section XI*

Real property taxes shall be assessed as of the first day of the month following the date when title is closed.

*Section XII*

The Borough Clerk shall publish a copy of this Ordinance authorizing the sale of the property to the highest bidder in the Asbury Park Press by two insertions at least once a week during two consecutive weeks; the last publication to be not earlier than seven (7) days prior to the sale.

*Section XIII*

Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

*Section XIV*

If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

*Description of Property: Lot 4.01, Block 66, Tinton Falls, New Jersey*

Beginning at a point in the easterly right-of-way line of Tinton Avenue (Monmouth County, Route 537) at the southerly corner of Lot 4.02, Block 66, said point being located from the following four courses:

- A. Southeasterly along the centerline of Tinton Avenue from the prolongation of the southerly right-of-way line of Willshire Drive on a course of S. 51 09' 49" E., a distance of 420.22', thence,
- B. Northeasterly on a course of N. 49 50' 11" E., a distance of 33.56' to the easterly right-of-way line of Tinton Falls Avenue; thence,
- C. Southeasterly along the easterly right-of-way line of Tinton Avenue on a course of S. 51 09' 49" E. a distance of 78.27', to a point of curvature; thence,
- D. Southeasterly along the easterly right-of-way line of Tinton Avenue on a curve to the right having a radius of 1,179.00', an arc length of 134.87'; thence,

1. Northeasterly along the southerly line of Lot 4.02, Block 66 on a course of N. 49 50' 11" E., (North forty nine degrees fifty minutes eleven seconds East) a distance of 180.00 (One hundred eighty and zero hundredths feet) to an angle point; thence,

2. Southeasterly along the southerly line of Lot 4.02, Block 66 on a course of S. 35 35' 28" E. ( South thirty five degrees thirty five minutes twenty eight seconds East) a distance of 302.49' (three hundred two and forty nine hundredths feet) to a point , said point being the northerly corner of Lot 10, Block 66; thence,

3. Southerly along the westerly line of Lot 10, Block 66 on a course of S. 28 42' 35" W. (South twenty eight degrees forty two minutes thirty five seconds West) a distance of 145.65' (one hundred forty five and sixty five hundredths feet) to a point on the northerly right-of-way line of Tinton Avenue; thence,

4. Northwesterly along the northerly right-of-way line of Tinton Avenue on a curve to the right having a radius of 683.00', an arc length of 103.43' t the point of tangency; thence,

5. Northwesterly along the northerly right-of-way line of Tinton Avenue on a course of N. 41 55' 49" W. (North forty one degrees fifty five minutes forty nine seconds West) a distance of 196.34' (one hundred ninety six and thirty four hundredths feet) to the point of curvature; thence,

6. Northwesterly along the northerly right-of-way line of Tinton Avenue on a curve to the left having a radius of 1,179.00' an arc length of 55.12' to the point and place of beginning.

The above description prepared in accordance with a map entitled, "Minor subdivision for Lot 4, Block 66, Borough of Tinton Falls, Monmouth County, New Jersey", by Landform Technology, Inc., dated April 12, 2002 revised to May 6, 2002.

Containing 52,624.01 + Sq. Ft. or 1.2081 + Acres

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH  
ORDINANCE NO. 09-1271**

**AN ORDINANCE FURTHER AMENDING ORDINANCE # 04-1118 AUTHORIZING THE SALE OF PROPERTY OWNED BY THE BOROUGH OF TINTON FALLS, DESIGNATED AS BLOCK 69, LOT 4.01 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Borough of Tinton Falls is the owner of Block 69, Lot 4.01; and

WHEREAS, under prior Ordinance #04-1118, the Borough Council of the Borough of Tinton Falls authorized the public sale of the above captioned lot and block subject to the terms and conditions contained therein; and

WHEREAS, the subject property is located in the Historic District of the Borough of Tinton Falls and is subject to the rules and regulations of the New Jersey Historical Preservation Office in the Department of Environmental Protection, which Department has required the imposition of certain easements and restrictions previously approved; and

WHEREAS, the Department of Environmental Protection has determined by letter of April 3, 2009, that the Deed of Historic Preservation Easement previously executed and forwarded to the Department of Environmental Protection do not require execution by the Department of Environmental Protection prior to recording; and

WHEREAS, the Borough Assessor has reviewed the appraisal previously received by the Borough for this property and has determined that due to the deteriorating real estate market and the negative economic climate caused by the recent recession, that it is in the best interests of the Borough of Tinton Falls to modify the minimum bid acceptable for the property in accordance with New Jersey Statutes and has submitted a report indicating his recommendation to offer the property at the minimum bid price of \$175,000.00; and

WHEREAS, the prior Ordinance designated a date certain for the sale of the premises which requires further amendment; and

WHEREAS, the Director Of Law has recommended that the date, time and place for the sale of the property shall be fixed by the Borough Clerk and advertised in an appropriate manner in accordance with the Borough Ordinances and Laws of the State of New Jersey,

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, as follows:

1. That Section II of Ordinance # 04-1118 is hereby amended to provide the following:

Block	Lot	Address	Use	Minimum Bid
69	4.01	1188 Sycamore Ave.	Residential	\$175,000.00

2. Section I of Ordinance # 04-1118 is hereby further amended to provide that the public sale shall be held by the Borough Clerk at the Tinton Falls Borough Municipal Building, in the Court Room/Council Chambers, 556 Tinton Avenue, Tinton Falls, New Jersey, at a

date and time to be set by the Borough Clerk therefore and advertised in accordance with the Ordinance provisions therein.

*Section I*

The Borough Council has determined that the property described herein is not needed for public use.

*Section III*

The public sale shall be held by the Borough Clerk, at the Tinton Falls Borough Municipal Building, in the Court Room/Council Chambers, 556 Tinton Avenue, on September 23, 2009 at 10:00 A.M. or as soon thereafter as the matter may be reached. Once all written bids for the property are received and opened, all bidding shall begin and close with the highest bid received. All bids shall be in writing at the time set for receiving bids. No bid shall be accepted prior to or after the date, time and place established by this Ordinance. All bids will be reported to the Borough Council at the next meeting whereupon they may reject the highest bid if found to be inadequate.

*Section IV*

It shall be a pre-qualification that any potential bidder be required to deposit with the Borough Clerk a certified check of not less than 10% of the bid. Any potential purchaser failing to comply with this requirement shall be ineligible to participate in the bidding for the purchase of the property.

*Section V*

The Borough of Tinton Falls is offering the property for sale in its present condition. The property is sold "as is". The Borough shall not be required to expend any funds in connection with any environmental law compliance related to this property. The Borough has no knowledge of nor has it been placed on notice, relative to any violation of any environmental law.

The Borough of Tinton Falls represents that the property is located in the Historic District and any changes to the structures will require approval of the Historic Preservation Commission.

The Borough of Tinton Falls represents that the property is the subject of driveway access easement twenty feet in width providing access to the open space lot.

*Section VI*

The Borough Council reserves the following rights with regard to this sale:

- A. To adjourn the sale at the time of sale for not more than a week without re-advertising the sale.
- B. To reject any and all bids received.
- C. That the sale is subject to confirmation by the Borough Council which confirmation shall be granted or denied within fifteen (15) days of the sale.
- D. That the sale is subject to approval of the State Historic Preservation Office, which approval shall be applied for by the Borough upon introduction of this Ordinance.

*Section VII*

Prospective bidders should examine the property prior to bidding. The Borough believes title to said property is insurable by a reputable title insurance company at regular rates subject to easements and restrictions of record in effect on the date of the public sale; such Federal, State, County and municipal laws or regulations as may be in effect and apply on the date of the public sale; and to such state of facts as an accurate survey and a visual inspection of property as of the date of the sale may disclose. In the event that the Borough cannot convey insurable title to the property the sole liability to the Borough shall be the return, without interest, of all monies paid by the purchaser to the Borough. Objections to insurability of title must be made by the purchaser to the Director of Law within thirty (30) days after confirmation of the sale by the Borough Council.

*Section VII*

The balance of the purchase price shall be paid by certified check to the Borough of Tinton Falls at the closing upon delivery of the deed. This closing shall take place within forty-five (45) days after the

confirmation of the sale by the Borough Council and/or approval of the State Historic Preservation Office. All usual adjustments shall be made as of the date of the transfer of title.

*Section IX*

The property in question is zoned residential in the R-2 Zone.

*Section X*

Title shall be transferred by a quit claim deed and the property shall be conveyed subject to all the conditions of this Ordinance.

*Section XI*

Real property taxes shall be assessed as of the first day of the month following the date when title is closed.

*Section XII*

The Borough Clerk shall publish a copy of this Ordinance authorizing the sale of the property to the highest bidder in the Asbury Park Press by two insertions at least once a week during two consecutive weeks; the last publication to be not earlier than seven (7) days prior to the sale.

*Section XIII*

Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

*Metes and Bounds Description: Lot 4.01, Block 69, Borough of Tinton Falls, New Jersey*

Beginning at a point in the easterly right-of-way line of Sycamore Avenue (Monmouth County, Route 13A) (Width varies), on the southerly line of Lot 3, Block 69, said point being 20' Easterly from the Northwesterly corner of Lot 3, Block 69, as shown on Map entitled, "Minor Subdivision for Lot 4, Block 69, Borough of Tinton Falls, Monmouth County, New Jersey", prepared by Landform Technology, Inc., dated June 26, 2003; thence,

1. Easterly along the southerly line of Lot 3, Block 69, on a course of S. 55 20' 00" E. (South fifty five degrees twenty minutes zero seconds East) a distance of 135.60' (one hundred thirty five and sixty hundredths feet) to a point being the Southerly corner of Lot 3, Block 69; thence,

2. Northerly along the easterly line of Lot 3, Block 69, on a course of N. 35 26' 28" E. (North thirty five degrees twenty six minutes twenty eight seconds East) a distance of 110.31' (one hundred ten and thirty one hundredths feet) to a point; thence,

3. Easterly along the southerly line of Lot 4.02, Block 69 on a course of S. 54 33' 32" E. (South fifty four degrees thirty three minutes thirty two seconds East) a distance of 95.94' (ninety five and ninety four hundredths feet) to a point; thence,

4. Southerly along the westerly line of Lot 4.02, Block 69 on a course of S. 34 10' 24" W. (South thirty four degrees ten minutes twenty four seconds West) a distance of 188.46' (one hundred eighty eight and forty six hundredths feet) to a point; thence,

5. Northwesterly along the northerly line of Lot 4.02, Block 69 on a course N. 55 28' 13" W/ (North fifty five degrees twenty eight minutes thirteen seconds West) a distance of 94.12' (ninety four and twelve hundredths feet) to an angle point: thence,

6. Continuing Northwesterly along the northerly line of Lot 4.02, Block 69 on a course N. 59 40' 52" W. (North fifty nine degrees forty minutes fifty two seconds West) a distance of 141.29' (One hundred forty one and twenty nine hundredths feet) to a point in the easterly right-of-way line of Sycamore Avenue (width varies); thence,

7. Northerly along the easterly right-of-way line of Sycamore Avenue on a course N. 34 53' 40" E. (North thirty four degrees fifty three minutes forty seconds East) a distance of 110.44' (one hundred ten and forty four hundredths feet) to a point and place of beginning.

Containing 30,075.78 + S.F. or 0.690 + Ac.