

**BOROUGH OF NEW PROVIDENCE  
ORDINANCE NO. 2021-17**

**AN ORDINANCE OF THE BOROUGH OF  
NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY  
AUTHORIZING THE SALE OF PROPERTY KNOWN AS  
LOT 12, BLOCK 153 NO LONGER NEEDED FOR PUBLIC USE**

**WHEREAS**, the Borough of New Providence is the owner of Lot 12 in Block 153 on the Borough Tax Map (referred to hereinafter as "Property") also known as 1 5<sup>th</sup> Street; and

**WHEREAS**, the size of the Property is .029 acres and is adjacent to property at 79 Livingston Avenue; and

**WHEREAS**, the Property is undersized as it is less than the minimum size required for development in its zoning district; and

**WHEREAS**, the Property is no longer used by the Borough for any purpose; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. allows the sale of municipally owned property at a private sale, instead of an auction, in certain circumstances. N.J.S.A. 40A:12-13(b)(5) provides, in part, as follows:

A sale to the owners of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that where there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any sale shall be for not less than the fair market value of said real property; and

**WHEREAS**, the Mayor and Council are of the opinion that the criteria set forth in N.J.S.A. 40A:12-13(b)(5) are present; namely, the Property is less than the minimum size required for development in its zone district and is without any capital improvements; and

**WHEREAS**, there is only one owner of real property contiguous to the Property, Raymond Baldwin, who has expressed his desire to purchase the Property and is willing to pay any and all legal fees of the Borough incurred for the sale of the Property by the Borough; and

**WHEREAS**, the Tax Assessor of the Borough has determined the fair market value of the property to be \$1.00; and

**WHEREAS**, the Mayor and Council are of the opinion that the Property is a remnant lot that is not useful to the Borough; and

**WHEREAS**, the Mayor and Council are of the opinion that the sale of the Property is beneficial to the welfare of the residents of the Borough as the Property is a remnant lot which is not useful to the Borough and requires expenditure of scarce public resources for maintenance and does not generate any real estate tax revenue; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey as follows:

1. The Mayor and Council hereby authorize the sale of the Property, identified on Exhibit A attached hereto, to the contiguous owner of the Property, Raymond Baldwin, for a price of \$1.00 on condition that Raymond Baldwin reimburse the Borough for any and all legal fees incurred by the Borough for the sale of the Property to Raymond Baldwin;

2. Pursuant to N.J.S.A. 40A:12-13(b), the Borough Clerk shall advertise the sale of the Property in the official newspaper of the Borough within five (5) days following enactment of this Ordinance;

3. The Borough Clerk shall transmit, via certified mail, a copy of this Ordinance to the owner of the contiguous Property to be sold pursuant to this Ordinance;

4. The owner of the contiguous property shall have a period of 20 days following the advertisement herein required to advise the Borough of his intention to purchase the property;

5. The Property shall be sold "as is" and "where as" without representations or warranties and subject to existing restrictions of record. The Property shall be conveyed by quit claim deed;

6. In the event the contiguous property owner does not exercise his right to purchase within 20 days as provided herein, the Mayor and Council reserve the right to reconsider this Ordinance and decline to sell the Property after said time;

7. The Borough Attorney is hereby authorized to prepare the necessary closing documents to convey the Property to the contiguous property owner if said owner advises of his intention to purchase the Property;

8. The Mayor and Borough Clerk are hereby authorized to sign the necessary closing documents;

9. This Ordinance shall take effect immediately after adoption and publication in the manner as provided by law.

Introduced: September 14, 2021

Public Hearing: September 28, 2021

Adopted:

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Wendi B. Barry, Clerk  
Borough of New Providence

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Allen Morgan, Mayor  
Borough of New Providence