

CITY OF ABSECON LEGAL NOTICE

PUBLIC AUCTION OF MUNICIPALLY OWNED LAND NO LONGER NEEDED FOR PUBLIC USE

NOTICE IS HEREBY GIVEN, for the public sale or auction of municipally owned land in the City of Absecon, no longer needed for public use; pursuant to and as set forth by the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et. seq.) with regard to the following property: Block 232, Lot 24 on the Tax Map of the City of Absecon.

WHEREAS, all bids for the aforesaid property shall be submitted at public auction commencing on Thursday, April 27, 2023, at 10:00 AM EST at the City of Absecon Municipal Building 500 Mill Road, Absecon, New Jersey 08201.

WHEREAS, the following are the terms and conditions of the sale:

1. The subject property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon. It shall be first offered by auction to the owners of contiguous land in accordance with N.J.S.A. 40A:12-13 (b)(5) and sold to the highest-bidding contiguous owner of land, if any. If no owners of contiguous land bid at the auction, the property auction shall then be opened up to all other bidders.
2. The sale shall be to the highest bidder at the auction, subject to approval of City Council. The City reserves the right to accept the highest bid or to reject any and all bids for the property. The minimum bid for the property shall be One Thousand 00/100 Dollars \$1,000.00. No bid less than the minimum amount set forth will be considered. No bid shall be considered unless it is made orally at the auction. The City Clerk may establish such other appropriate procedures for the auction as deemed necessary.
3. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the City of Absecon to any real estate agent or broker or other representative in connection with any sale.
4. Each bidder wishing to submit a bid and participate in the auction shall be registered as a bidder prior to the sale by contacting the City Clerk, City of Absecon, 500 Mill Road, Absecon, New Jersey, telephone number (609) 641-0663.
5. All potential sales are subject to final approval by the City Council. This includes the right of the City Council to remove the property from sale at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated by the City, any monies paid by a successful bidder will be refunded.
6. The City reserves the right to waive any and all defects, informalities and irregularities in any bid. The City further reserves the right to reject all bids in each instance where the highest bid is not

accepted and it is, in its discretion, to re-advertise the property for sale. No bid shall be considered finally accepted until confirmed by the City Council.

7. A deposit of 10 percent of the minimum price for the property must be paid in cash, certified check, bank check or money order payable to the City of Absecon by the successful bidder at the time of the public sale. This deposit shall be made subject to return in the event of rejection of said bid.
8. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title by the City Attorney, or for the City Attorney's review and approval of the documents not to exceed \$300.00, as well as the cost of recording the Deed with the Atlantic County Clerk. The balance of the purchase price, together with cost of preparation of the deed of conveyance and related documents for the transfer of title and the Atlantic County recording fee must be paid by certified check, money order or bank check made payable to the City of Absecon and provided to the City Clerk within twenty (20) days after the date of sale or acceptance of the bid whichever is later.
9. The sale of the property is subject to applicable New Jersey law concerning this disposition of municipal real estate and all other applicable laws, regulations and ordinance of the State of New Jersey and City of Absecon.
10. On the scheduled date and time of the public sale, the Mayor or City Clerk may by announcement to the public, adjourn the date and time to a later announced date and time not later than thirty (30) days after the original date. Said announcement shall be deemed adequate notice to all interested parties.
11. In addition to the terms and conditions set forth above, the successful bidder agrees to the following conditions:
 - A. Acceptance of the offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.
 - B. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the City any and all monies deposited with the City.
 - C. The City does not warrant or certify title to the property and in no event shall the City be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages against the City, the sole remedy being the right to receive a refund of deposit paid prior to closing in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Township shall not be required to refund any money or correct any defect in title and shall not be held liable for damages.
 - D. The land being conveyed is an undersized lot and may not be developed separately for residential or other purposes and, if applicable, must be merged with the contiguous

land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property indicating that, if applicable, neither it nor the property with which it is consolidated shall be further subdivided. The deed will also contain a further covenant that neither purchaser, nor any future owner or developer of the consolidated lots may ever, in any manner, directly or indirectly, assert a claim against the City of Absecon based upon the inability to develop or use the subject property, including, but not limited to, a claim of inverse condemnation or damages of any kind.

- E. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the City of Absecon, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any, on the land without obligation to provide access, public or private, or to provide any improvements.
- F. The deed will also contain a further covenant that neither the purchaser nor any future owner or potential developer of the property may ever in any manner, directly or indirectly, assert a claim against the City of Absecon based upon the inability to develop or use the property including, but not limited to, a claim for inverse condemnation or damages of any kind.
- G. The City makes no warranties whatsoever regarding the property and assumes no responsibility for environmental conditions, known or unknown, regarding said property and the successful bidder agrees to fully release and indemnify the City with respect thereto. The bidder shall be fully responsible for the exercise of due diligence in determining all aspects of the condition of the property, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of land. The City sells the property "AS IS" in which the bidder releases the City of all liability and responsibility of any said contamination, if found, on the site.

By Order of the Mayor and City Council of the City of Absecon
Carie Crone, RMC, Municipal Clerk