

Denville Township Board of Education

NOTICE OF PUBLIC SALE OF PROPERTY NO LONGER SUITABLE OR CONVENIENT FOR THE USE IT WAS ORIGINALLY ACQUIRED AND/OR NO LONGER NEEDED FOR SCHOOL PURPOSES BY PUBLIC AUCTION

PLEASE TAKE NOTICE that pursuant to N.J.S.A. 18A:20-6, et seq., on Friday, September 11, 2015 at 10:00 a.m., the Denville Township Board of Education will be selling its real property no longer suitable or convenient for the use that it was originally acquired and/or no longer needed for school purposes, at the Town Hall Conference Room, 1st Floor, St. Mary's Place Denville, NJ 07834.

PROPERTY FOR SALE

- Block 20203, Lot 13 (501 Openaki Road, Denville, NJ 07834)
- \$205,000.00 (Minimum Bid Price and Reservation Price)

The Minimum Bid Price, as well as the Reservation Price for Block 20203, Lot 13 shall be two hundred and five thousand dollars and zero cents (\$205,000.00). This sale is authorized by resolution number, R-B-#1

The full text of R-B-#1 (excluding exhibits), as enacted:

Denville Township Board of Education

RESOLUTION NO.B-#1

RESOLUTION OF THE DENVILLE TOWNSHIP BOARD OF EDUCATION AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS 501 OPENAKI ROAD AT A PUBLIC SALE

WHEREAS, N.J.S.A. 18A:20-5 permits a board of education to sell real property, owned by it, which ceases to be suitable or convenient for the use for which it was acquired or which is no longer needed for school purposes; and

WHEREAS, pursuant to N.J.S.A. 18A:20-6, any real property sold by a board of education shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district at least once a week for two weeks prior to the sale; and

WHEREAS, a board of education is permitted to fix the minimum price with or without reservation for which real property may be sold and to provide that upon completion of the public sale, the board of education may accept or reject the highest bid made thereat; and

WHEREAS, pursuant to N.J.A.C. 6A:26-7.4, in order to sell real property, a board of education must make a written request to the Department of Education, Division of Administration and Finance (“the Department”) and a copy of the request must also be provided to the executive county superintendent who shall make recommendations to the Department; and

WHEREAS, the Department shall either approve or disapprove of a board of education’s request and send a copy of its determination to the executive county superintendent; and

WHEREAS, the Denville Township Board of Education (“the District”) is the owner of real property located at Block 20203, Lot 13 on the official tax map of the Township of Denville, more commonly known as 501 Openaki Road, Denville, NJ 07834 (“the Property”); and

WHEREAS, the Property is approximately .852 acres, which consists of a one story structure encompassing 1554 total square feet; and

WHEREAS, an appraisal report prepared for the Property determined that the Property’s “as is” value is two hundred forty three thousand dollars and zero cents (\$243,000.00); and

WHEREAS, until 2010, the Property housed the District’s Central Administration offices but, has been vacant since that time; and

WHEREAS, the District, by Resolution dated March 23, 2015 (a copy of which is attached hereto as Exhibit A), determined that the Property was no longer suitable or convenient for the use that it was originally acquired and/or no longer needed for school purposes; and

WHEREAS, the District requested approval to sell the Property pursuant to N.J.A.C. 6A:26-7.4 and sent a copy of its request to the Executive County Superintendent; and

WHEREAS, the Executive County Superintendent recommended approving of the District’s proposed sale of the Property (a copy of which is attached hereto as Exhibit B) and thereafter, the District received approval to sell the Property from the Department by correspondence dated June 26, 2015 (a copy of which is attached hereto as Exhibit C); and

WHEREAS, the District has determined that it is in the best interests of the District to sell the Property at public sale, to the highest bidder and that the District shall set a minimum and reservation price for the Property as set forth below.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Township of Denville, County of Morris, State of New Jersey as follows:

Section 1.

(a) The District hereby reaffirms, in accordance with the Resolution dated March 23, 2015, that the Property ceases to be suitable or convenient for the use for which it was acquired and/or is no longer needed for school purposes and therefore shall be sold in accordance with N.J.S.A. 18A:20-5, et seq.

(b) Auction and Property Review

(1) There shall be an open public sale at auction on September 11, 2015 at 10:00 a.m., at the Town Hall Conference Room, 1st Floor, St. Mary's Place Denville, NJ 07834, where the Property shall be offered to the highest bidder pursuant to N.J.S.A. 18A:20-6. The minimum price and reservation price for all bids shall be two hundred and five thousand dollars and zero cents (\$205,000.00) and the District reserves the right to accept or reject the highest bid made in accordance with N.J.S.A. 18A:20-7.

Said auction shall be in accordance with the terms and conditions set forth in the remainder of this Resolution.

(2) On September 8, 2015 at 10:00 a.m. (three days prior to the aforementioned auction date), there shall be a pre-auction, on-site meeting at the Property (501 Openaki Road, Denville, NJ 07834). All prospective bidders are strongly encouraged to attend this Meeting, at which time they shall be permitted to perform a visual inspection of the Property. Please meet at the District offices located at 400 Morris Avenue, Suite 279, Denville, NJ 07834, prior to proceeding to the Property. All bidders must be accompanied by a District representative when viewing the Property. No testing will be permitted nor will questions be answered by the District and/or its representatives. The sole purpose of this meeting is to permit prospective bidders the opportunity to visually review the Property.

(c) The successful bidder shall be required to deposit ten (10%) percent of his or her bid with the District at the time of the auction. This deposit shall be made by a certified check, money order or cash in an amount equal to at least ten (10%) percent of the accepted bid by

the District for the sale of the Property. The combined form of deposit must equal ten (10%) percent of the total sale price. All monies so received will be credited to the total sale price.

(d) Non-Refundable Deposit. The deposit made by the purchaser is non-refundable. The purchaser is not entitled to a refund of this deposit in any case and the risk of loss is on the purchaser.

(e) All bidders must appear in person at the auction and any person bidding on behalf of a corporation or limited liability company must either submit a copy of a resolution of the corporation/company or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.

(f) The successful bidder shall be required to pay, at the time of closing of title, the cost of legal advertising of the sale of the Property which is the subject of this auction plus their proportionate cost of the transcript, if applicable.

(g) The successful bidder shall bear the cost of the recording of the deed and agrees that deeds shall be recorded on behalf of the purchaser by the District or by an attorney representing the successful bidder. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.

(h) The successful bidder, at the conclusion of the bidding, shall execute an Agreement of Sale. The balance of the purchase price shall be paid at closing which shall occur not later than 60 days following the acceptance of the bid by the District. The purchaser shall be entitled to possession immediately following closing of title.

(i) The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court or in any other court of this State to challenge the assessment with respect to the subject property nor may same be used as a comparable sale to challenge the assessment with regard to other properties.

(j) The Property herein sold is being sold "as is" 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 said property. The District makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is." A prospective purchaser shall have examined the Property or otherwise waived the right to examine the Property prior to submitting a bid to the District. The District does not make any

representations, express or implied, that the Property is buildable or usable for any purpose whatsoever.

(k) All conveyances by the District shall be made by quitclaim deed.

(l) The District reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the District. No bid shall be considered finally accepted until passage of a resolution by the District as set forth in Paragraph (m) hereof.

(m) The acceptable bid shall be confirmed by resolution of the District no later than the second regular meeting of the District following the date of such sale.

(n) The successful bidder agrees that:

(1) He or she shall indemnify and hold the District harmless from any claim whatsoever arising out of the District's ownership interest including but not limited to environmental cleanup costs.

(2) Pay prorated real estate taxes for the balance of the current year, as of the date of closing.

(3) Abide by all appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

(4) Failure to close title as agreed shall forfeit to the District any and all money deposited with the District.

(o) A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the District, as a material breach of the conditions of sale whereupon the District may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the District as its liquidated damages and it may thereafter resell said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the District by reason of any such default.

(p) The sale is made subject to all applicable laws and ordinances of the State of New Jersey.

Section 2. NOTICE. The District shall advertise copies of this Resolution and/or a substantially similar advertisement as required by N.J.S.A. 18A:20-6 and therefore shall advertise the open public sale at auction of the Property in a newspaper circulating in the District in which the Property is situated, by an insertion at least once a week during two weeks, the last publication to be not earlier than two weeks prior to such sale.

Section 3. AUTHORIZATION. The Board Secretary, Board Attorney, and such other officials as may be necessary are authorized to perform such ministerial actions as are necessary to effectuate the purposes of this Resolution including, but not limited to, preparing and executing a deed and all other necessary documents to convey the Property to the successful bidder, subsequent to the District adopting a resolution awarding the bid.