

June 26, 2024

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2024-150

**RESOLUTION AUTHORIZING THE SALE OF 317-319 LAREINE AVENUE,
ALSO KNOWN AS BLOCK 41, LOT 1 ON THE TAX MAP OF THE BOROUGH
IN ACCORDANCE WITH N.J.S.A. 40A:12-13**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) on March 27, 2020 purchased the real property located at 317-319 LaReine Avenue, also known as Block 41, Lot 1, from the Ocean Grove Camp Meeting Association; and

WHEREAS, the Borough subsequently conducted various studies to determine the cost of renovating/reusing the property/structures, conducted both a community survey and a non-binding referendum, and conducted various other inquiries regarding the value of the property, the potential utility and value of the resident artifacts within the structures, conducted property survey, appraisals, and prepared draft subdivision plans among other investigations; and

WHEREAS, by adoption of this Resolution, Block 40, Lot 1 is declared surplus public property; and

WHEREAS, the Land Use Board of the Borough retains authority in the areas of subdivision review and approval, site plan review and approval and the issuance of variances; and

WHEREAS, the subject property is located in a R-1 Single Family Zone; and

WHEREAS, the Borough’s Governing Body has determined that the sale of the property is in the best interests of all residents and taxpayers; and

WHEREAS, the Borough is authorized to sell surplus real estate in conformance with the provisions of N.J.S.A. 40A:12-13;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Bradley Beach in the County of Monmouth that

1. The Borough Governing Body is hereby authorized to provide for the sale of the subject property by open public sale at auction to the highest bidder in accordance with N.J.S.A. 40A:12-13.

2. That said sale shall be in accordance with the following provisions of the aforementioned statute, which reads in relevant part:

In any case in which a ... municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisement required herein shall require each bidder to submit one bid under each Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

... the municipality may elect or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the governing body following the sale, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without readvertising.

3. The conditions to which the sale of the subject property would be subject to and would apply under Option A would be as follows:

- a. All existing structures and improvements shall be demolished in accordance with all extent and applicable regulations, statutes, ordinances applicable thereto.
- b. The resulting vacant property shall be subdivided into 4 market rate single family building lots in accordance with the Preliminary Major Subdivision Plat prepared by CME Associates, dated 4/13/2023.
- c. In the event that title is proven to be unmarketable, the sole liability of the Borough shall be to return any deposit money.
- d. Any sale shall be subject to any easement or restrictions of record and such statement of facts as an accurate survey shall reveal.
- e. The successful bidder shall be responsible for the cleanup of any environmental contamination located on, under, over or within the above parcel, if any. No deduction shall be made from the purchase price for such cleanup. The successful bidder shall indemnify and hold harmless the Borough from any claims relating to such environmental contamination or the cleanup thereof.
- f. The property is sold "as is." The Borough makes no representations as to the condition or quality of the land or improvements upon said parcel. Bidders may inspect said parcel prior to the public sale and shall be responsible to fully acquaint themselves with the condition and quality of the property prior to the public sale.

- g. The Borough shall not pay any broker’s commission in connection with this sale and the successful bidder shall indemnify and hold harmless the Borough from any such claim therefor arising by reason of the conduct of the successful bidder.
 - h. The purchaser shall release and forever discharge any right or ability to file a builder’s remedy lawsuit against the Borough pertaining to the subject property.
 - i. Certain historical artifacts, as set forth in the bid package, are excluded from the sale of the property, and the purchaser shall permit the removal of such artifacts prior to demolition of the structures upon the property.
 - j. The sale of the property shall be subject to the following deed restrictions which shall be deemed to run with the land:
 - i. The property may not be used or developed for any purpose for which property tax exemption may be granted.
 - ii. The property may only be used for single-family residential dwelling purposes with lawful accessory structures.
 - k. All improvements shall be subject to provisions of the various Borough, State and Federal land use, zoning and other applicable laws, ordinances and restrictions.
 - l. Minimum Bid Price: \$3,500,000.00
4. Option B as set forth in the statute would be a sale of the property “free of all such restrictions, conditions, interests or estates on the part of the ... municipality”, except existing applicable regulatory, land use, zoning and other restrictions.
- a. Minimum Bid Price: \$3,500,000.00
5. The Borough reserves the right to reject all bids where the highest bid is not accepted.

BE IT FURTHER RESOLVED that the Borough Administrator and the Borough Attorney are directed to proceed with this project immediately.

Seconded by _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble				
Mr. Gubitosi				
Ms. Mahoney				
Mr. Weber				
Mayor Fox				

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the June 26, 2024 meeting.

ERICA KOSTYZ
Municipal Clerk