

**TOWNSHIP OF UPPER DEERFIELD**

**RESOLUTION 17-279**

**AUTHORIZING SALE OF PROPERTY BLOCK 911, LOT 20  
ON THE TAX MAP OF THE TOWNSHIP OF UPPER DEERFIELD,  
KNOWN AS 1405 SECOND AVENUE**

**WHEREAS**, the Township Upper Deerfield has previously determined that the real property located at 1405 Second Avenue and shown on the municipal tax map as Block 911, Lot 20 (the "Property") owned by the Township was not needed for public use and by Resolution 17-256 authorized the sale of the Property pursuant to the New Jersey Public Lands and Building laws; and

**WHEREAS**, the Township of Upper Deerfield, held an auction on October 19, 2017, after advertisement pursuant to N.J.S.A. 40A:12-1, et seq; and

**WHEREAS**, Kevin Nakai bid the sum of \$7,500 which bid was the highest bid made for the Property; and

**WHEREAS**, the Township Committee has determined to accept the bid subject to the terms and conditions of the sale as advertised.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper Deerfield that the bid of Kevin Nakai (the "Bidder") in the amount of Seven Thousand, Five Hundred (\$7,500.00) Dollars for Block 911, Lot 20, 1405 Second Avenue on the Tax Map of the Township of Upper Deerfield be and the same is hereby accepted.

**BE IT FURTHER RESOLVED** that the Bidder shall pay 10% of the amount bid in cash or bank certified funds upon the adoption of this Resolution with the balance of the bid amount paid by the successful bidder within 30 days of the date of the adoption of this Resolution, in cash, or bank certified funds, and upon payment thereof to the Township the Bidder shall be issued a quitclaim deed subject to the terms and conditions of the sale. In the event that the Bidder fails to make the 10% payment, the Bid shall be deemed null and void. In the event of default by the Bidder to pay the balance of the bid price within the times set forth herein, the bid shall be rescinded, all rights of the respective successful bidder shall be terminated and the down payment shall be forfeited.

**BE IT FURTHER RESOLVED** that the Property is conveyed "As-Is, Where-Is" without any warranty or representation as to value or condition thereof and the Township shall have no liability for any matter whatsoever, including but not limited to the condition of the properties or its title, or the value of the properties conveyed. Title to be conveyed shall be by quitclaim deed without any warranties of title and subject to all tenancies, tenants and occupants, if any.

**BE IT FURTHER RESOLVED** that the sale of this Property is subject to the further condition that the Bidder shall either complete the demolition of the existing structures or rehabilitate those structures in accordance with all applicable codes and obtain a certificate of occupancy therefore, within 18 months of the date of the deed, and upon failing to do so, the Property shall revert to the Township. Bidder shall execute a deed to the township to effectuate the reversionary interest (the "Reverter Deed") at the time and as a condition of, receipt of the deed from the Township to Bidder. The Reverter Deed shall be held by the Township to be recorded only upon the failure of the Bidder to comply with the condition of sale respecting demolition or rehabilitation as set forth herein.

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Upper Deerfield is authorized to execute any closing documents as may be necessary to complete the Sale as authorized.

Moved By: John Daddario

Seconded By: Bruce Peterson

VOTING

James P. Crilley  
John L. Daddario  
John T. O'Neill, Sr.  
Bruce T. Peterson  
Scott Smith

| <u>In Favor</u> | <u>Against</u> | <u>Abstain</u> | <u>Absent</u> |
|-----------------|----------------|----------------|---------------|
|                 |                |                | X             |
| X               |                |                |               |
| X               |                |                |               |
| X               |                |                |               |
|                 |                |                | X             |

CERTIFICATION

I hereby certify the foregoing is a true copy of the Resolution adopted by the Township Committee of the Township of Upper Deerfield in the county of Cumberland at a meeting thereof held on November 16, 2017.

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Roy Spoltore, Township Clerk