

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 20-163

AUTHORIZING SALE OF PROPERTY BLOCK 2901, LOTS 1, 3, 4, 5, 6 & 7 ON THE TAX MAP OF THE TOWNSHIP OF UPPER DEERFIELD, KNOWN AS THE SEABROOK RAIL LINE

WHEREAS, the Township Upper Deerfield has previously determined that the real property known as the Seabrook Rail Line and shown on the municipal tax map as Block 2901, Lots 1, 3, 4, 5, 6 & 7 (the “Property”) owned by the Township was not needed for public use and by Resolution 20-126 authorized the Quitclaim of the Township’s interest pursuant to the New Jersey Public Lands and Building laws; and

WHEREAS, the Township of Upper Deerfield, held an auction on September 3, 2020, after advertisement pursuant to N.J.S.A. 40A:12-1, et seq; and

WHEREAS, Omni Trax bid the sum of \$45,585 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; and

WHEREAS, Omni Trax controls the Winchester and Western Railroad Company, 252 Clayton Street, 4th Floor, Denver, Colorado 80206 and has requested that the Quitclaim Deed identify Winchester and Wester Railroad Company as Grantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper Deerfield that the bid of Omni Trax (the “Bidder”) in the amount of Forty-five Thousand Five Hundred and Eighty-five and 00/100 Dollars (\$45,585.00) for Block 2901, Lots 1, 3, 4, 5, 6 & 7, known as the Seabrook Rail Line 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event of default by the Bidder to pay the balance of the bid price within the times set forth herein, the bid shall be rescinded, all rights of the respective successful bidder shall be terminated and the down payment shall be forfeited.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 Township’s Quitclaim of its interest in the Property is “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 and rights of others, if any, and further subject to the following reversionary interests and reserved rights:

Reversionary Interest/Reverter. The conveyance of the quitclaim interest by this is for the purposes of Grantee operating an active rail line on the described Property.

In the event that Grantee fails to operate a rail line on the Property for a period of one year or if Grantee otherwise abandons rail line operations, title to the Property shall revert absolutely to Grantor.

Grantor's Reserved Rights. Grantor hereby reserves until itself, for its benefit and for the benefit of its successors and assigns, a right of access to a fifteen-foot (15') wide right-of-way on Block 2901, Lot 4, being approximately one thousand feet (1,000') south of Love Lane for access to the Township water treatment facility situate on the west side of the rail line.

Grantor hereby reserves until itself, for its benefit and for the benefit of its successors an assigns, the right to establish and construct a public rail crossing on Block 2901, Lot 4 south of Love Lane and approximately nine hundred and fifty feet (950') from the center line of Love Lane.

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

Moved By: Bruce Peterson

Seconded By: John Daddario

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 October 1, 2020.

Roy Spoltore, Township Clerk