

**ORDINANCE #2023-08**

**TOWNSHIP OF HARDYSTON  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY NOT NEEDED FOR PUBLIC PURPOSES**

**WHEREAS**, the Township of Hardyston (‘Township’) is the owner of the property located at Lot 44, Block 79 on the Township tax map (‘Subject Property’); and

**WHEREAS**, the Subject Property is an undersized parcel which is adjacent to the property located at Lot 45, Block 79 on the Township tax map (‘Lot 45’); and

**WHEREAS**, a request has been made of the Township, by RGA 1, LLC, owner of Lot 45, to acquire the Subject Property; and

**WHEREAS**, the Township wishes to convey the Subject Property to RGA 1, LLC, by private sale; and

**WHEREAS**, the Township has contacted all other owners of property contiguous to the Subject Property, none of which is interested in bidding on the Subject Property; and

**WHEREAS**, RGA 1, LLC has agreed to a sale price for the Subject Property of eleven-thousand dollars (\$11,000), which price has been deemed by the Township Assessor to be not less than the fair market value of the property, and which price the Township Council deems to be the minimum acceptable price for the Subject Property; and

**WHEREAS**, the Township has complied and will comply with all other relevant provisions of N.J.S.A. 40A:12-13(b)(5) in connection with the sale of the Subject Property; and

**WHEREAS**, the Township, accordingly, has reached an agreement with RGA 1, LLC for the sale of the Subject Property (‘Agreement’), which Agreement is subject to the approval and ratification of the Hardyston Township Council; and

**WHEREAS**, the Agreement sets forth the terms and conditions of the conveyance of the Subject Property by the Township to RGA 1, LLC, and calls for a sale price of eleven-thousand dollars (\$11,000), to be paid to the Township of Hardyston; and

**WHEREAS**, the Township Council desires hereby to authorize and approve the execution of the Agreement by the Hardyston Township Mayor and Clerk, and further desires to authorize the Township Manager and Township Attorney to take all required actions to arrange to close this transaction on behalf of the Township at the earliest possible time; and

**WHEREAS**, the Township Council has determined that such a conveyance of the Subject Property to RGA 1, LLC shall serve the general health and welfare of the residents of Hardyston Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

1. The Township Council hereby declares that the property located at Lot 44, Block 79 on the Township tax map ('Subject Property') is neither used presently nor needed in the future for the Township's public purposes.
2. The Township Council does hereby, pursuant to N.J.S.A. 40A:12-13(b)(5), authorize a private sale of the Subject Property, for the consideration of \$11,000, to RGA 1, LLC.
3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such documents as may be required to effectuate the private sale authorized by this Ordinance and the transfer of title to the Subject Property to RGA 1, LLC, which documents shall be subject to the review and approval by the Township Attorney.
4. The conveyance of the Subject Property is strictly 'as is.' No representation is made by the Township as to the utility, usability or, generally, the condition of the Property.
5. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and they shall remain in full force and effect.
6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hardyston, the provisions hereof shall be determined to govern.
7. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

TOWNSHIP OF HARDYSTON  
COUNTY OF SUSSEX  
STATE OF NEW JERSEY

\_\_\_\_\_  
Jane Bakalarczyk, Township Clerk

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Brian Kaminski, Mayor

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on April 26, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on May 24, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC

Municipal Clerk