

TOWNSHIP OF HARDYSTON

ORDINANCE 2024-20

ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.

WHEREAS, the Township of Hardyston ('Township') is the fee simple owner of a 2015 Ford Explorer (the 'Vehicle,' or 'Property'), previously utilized by the Township Fire Department and currently not in use; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston have, after careful consideration and due and diligent study, made a determination that the Property is not now needed for the Township's public purposes and should be conveyed to the Borough of Franklin ('Franklin Borough') for public purposes; and

WHEREAS, the Township is authorized to convey the Property to Franklin Borough pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq.; and

WHEREAS, the Township negotiated with Franklin Borough to convey the Property for public purposes ('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 Property by the Township to Franklin Borough, and calls for a sale price of four-thousand, five-hundred dollars (\$4,500), 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, Manager, 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 Property to Franklin Borough 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 Township's Vehicle ('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)(1), authorize a private sale of the Property, for the consideration of \$4,500, to Franklin Borough.
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 Property to Franklin Borough, which documents shall be subject to the review and approval by the Township Attorney.
4. The conveyance of the 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.

Frank Cicerale, Mayor

ATTEST:

Jane Bakalarczyk, RMC, Municipal Clerk

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 November 13, 2024. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on December 11, 2024, 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, Municipal Clerk