HAMPTON BOROUGH

COUNTY OF HUNTERDON

ORDINANCE 05-2026

AN ORDINANCE AUTHORIZING THE SALE

OF BOROUGH OWNED LAND

WHEREAS, the Borough of Hampton is the current owner of property identified as Block 15, Lot 33, which is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, N.J.S.A. 40A:12-13-2 provides in pertinent part that whenever any municipality intends to sell real property (Block 15, Lot 33), which is less than minimum size required for development under the municipal zoning ordinance, and is without any capital improvements thereon, the municipality must accord contiguous property owners of right of first refusal to purchase such land; and

WHEREAS, the Borough proposes to offer such right to all contiguous owners and to sell such land to the highest bidder amount the contiguous owners as authorized by N.J.S.A. 40A:12-13; and

WHEREAS, if no contiguous owner offers to purchase such property, then the property shall be opened to full public bidding.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hampton, in the County of Hunterdon and State of New Jersey, as follows:

1. The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13: See **Exhibit A**.

2. The minimum bid for the lot is set forth in **Exhibit A**. No bid less than the minimum amount set forth herein will be considered.

3. Said public auction sale shall be conducted on **Monday, July 20, 2026, at 12 noon,** or such later date or time as may be established and advertised by the Borough Clerk. Said public auction shall be conducted at the Hampton Borough Municipal Building, 1 Wells Avenue, Hampton, NJ. Each bidder wishing to submit a bid and participate in the auction shall be registered as a bidder prior to the sale by contacting the Borough Clerk, Hampton Borough, 1 Wells Avenue, Hampton, NJ, telephone number 908-537-2329. The sale shall be to the highest bidder at the auction. No bid shall be

considered unless it is made orally at the auction. The Borough Clerk may establish such other appropriate procedures for the auction as deemed necessary.

4. On the scheduled date and time, the Borough Clerk may, by announcement to the public, adjourn the date and time to a later announced date and time not later than twenty (20) days after the original date.

5. The highest bid shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13, and the Borough reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.

6. A deposit of 10 percent of the minimum price for real property must be paid in cash or by certified bank check by the successful bidder at the time of the public sale; said time and place set forth herein. This deposit shall be made subject to return in the event of rejection of said bid. The balance, together with the costs of sale and legal expenses, must be deposited in full by either cash or certified bank check within thirty (30) days after the date of sale of acceptance of bid, whichever is later, at the office of the Borough Clerk.

7. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title by the Borough Attorney, or for the Borough Attorney's review and approval of the documents, not to exceed $150, as well as the cost of the recording of the Deed with the Hunterdon County Clerk. The balance of the purchase price, together with cost of preparation of the deed of conveyance and related documents for the transfer of title and the Hunterdon County recording fee must be paid by certified check or bank check made payable to the Borough of Hampton and provided to the Borough Clerk within thirty (30) days of the date of sale.

8. The Mayor and Borough Clerk are hereby authorized to execute said Bargain and Sale Deed and other conveyance documents, and the Borough Attorney is authorized to prepare such deed and documents on behalf of the Borough, after the Borough Council accepts the bid offer.

9. In addition to the terms and conditions set forth herein, the successful bidder agrees to the imposition of the following conditions by the Borough:

   a. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.

   b. In the event that the successful bidder fail to close title, the bidder agrees to forfeit to the Borough any and all monies deposited with the Borough.

c. The Borough does not warrant or certify title to the property and in no event shall the Borough be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages against the Borough, the sole remedy being the right to receive a refund of the deposit paid prior to closing in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Borough shall not be required to refund any money or correct any defect in title and shall not be held liable for damages.

d. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Borough of Hampton, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, and easements, if any, on the land and a continued right of maintenance and flow thereof. The Borough shall be without obligation to provide access, public or private, or to provide any improvements.

e. The land being conveyed as Block 15, Lot 33 is an undersized lot and may not be developed separately for residential or other purposes and, if applicable, must be merged with the contiguous land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property that, if applicable, neither it nor the property with which it is consolidated shall thereafter be subdivided. The deed will also contain a further covenant that neither the purchaser nor any future owner or potential developer of the lot may ever, in any manner, directly or indirectly, assert a claim against the Borough of Hampton based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.

f. The Borough makes no warranties whatsoever regarding said land and assumes no responsibility for environmental conditions, known or unknown, regarding said land. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including, but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions, and any other condition or restriction that might impact the use of the land.

10. The Borough Clerk, the Mayor, and the Borough Attorney are authorized to prepare and execute any and all such documents and to take any and all such actions as may be required to effect the transactions set forth herein.

11. The Borough Clerk shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).

12. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker, or other

duly authorized representative. However, no commission shall be paid by the Borough of Hampton to any real estate agent or broker or other representative in connection with any sale.

13. The sale of such land is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Borough of Hampton.

14. All potential sales are subject to final approval by the Borough Council. This includes the right of the Borough Counsel to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated, any monies paid by a successful bidder will be refunded.

15. The Borough reserves the right to waive any and all defects, informalities and irregularities in any bid. The Borough further reserves the right to reject all bids in each instance where the highest bid is not accepted, and to, in its discretion, re-advertise the property for sale. No bid shall be considered finally accepted until confirmed by the Borough Counsel.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances, or parts therein, conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and matter prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of the Borough Council of the Borough of Hampton, County of Hunterdon and State of New Jersey, held on May 18, 2026; and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building, located at 1 Wells Avenue, Hampton, NJ 08827, on June 15, 2026, at 6:30PM, or as soon thereafter as the matter may be reached.

ORDINANCE NO. 05-2026

EXHIBIT "A"

BOROUGH OF HAMPTON LAND SALE

LEGAL NOTICE

TAKE NOTICE that the Borough of Hampton will sell the following real property not needed for public use, to the highest bidder on **Monday, July 20, 2026, at 12 noon,** at the Hampton Borough Municipal Building, 1 Wells Avenue, Hampton, NJ 08827.

Block/Lot	Location	Zoning	Meets Zoning Req.	Structure	Size (Acres)	Assessed Value	Approved Minimum Bid
Block 15, Lot 33	141 NJ Rte 31 / Bowlby Street	15C – Public Property	Undersized	No	.2204 acres	$44,700	$5,000.00