

Rupp, William

From: Rupp, William
Sent: Friday, August 26, 2016 4:38 PM
To: 'siegelandsiegel@optonline.net'
Cc: 'William Broughton'; Greenbaum Saposh, Arielle; Johnson, Lori
Subject: Public Sale at auction of Block 4102, Lot 27 (Route 4)
Attachments: Resolution authorize auction of Lot 27 in BLock 4102 without use limitation.docx

Dear Howard and Bertram Siegel:

I understand that you had indicated an interest in bidding on the above property should the Township Council consider offering same for sale. The Township Council has authorized us to proceed to list the subject property for public sale at auction subject to the receipt of an appraisal thereon to set a minimum price. We understand that you wish to use same as part of a land assemblage with your existing adjoining property for a proposed self-storage facility. We have obtained a proposal from Mc Nerney and Associates, the Township's appraisers, to prepare a new appraisal based on the highest and best use, assuming a variance approval is obtained. The price quoted was \$2,500.00. The Council has requested that you post the cost of the appraisal in escrow pending the award of the bid.

As we had previously discussed, the statute prohibits conditions on the sale which are inconsistent with or impose a special or higher standard than any zoning ordinance. The premises are currently zoned single family residential. The risk of obtaining a variance for a different use is on the bidder.

Enclosed is a sample resolution authorizing the sale.

Should your client be interested in pursuing this matter, kindly have them post the escrow for the appraisal with the Township Manager's Office. We will then proceed with obtaining the appraisal and listing the resolution authorizing the public auction thereof.

William Rupp



Courts at Law

William F. Rupp, Esq.

Winne, Banta, Basralian & Kahn, P.C. | [visit us at WinneBanta.com](http://www.WinneBanta.com)

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TOWNSHIP OF TEANECK

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE PUBLIC SALE AT AUCTION OF A VACANT PARCEL OF LAND KNOWN AND DESIGNATED AS LOT 27 IN BLOCK 4102 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF TEANECK

WHEREAS, the Township of Teaneck is the owner of a certain parcel of vacant land located within the Township of Teaneck, located along State Highway Route 4, and known and designated as Lot 27 in Block 4102 as shown on the Official Tax Map of the Township of Teaneck; and

WHEREAS, the Township Council of the Township of Teaneck hereby determines that said parcel is not required for any public purpose now or to be anticipated and that the public interest is best served by restoring said premises to the tax rolls;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE Township of Teaneck, Bergen County, New Jersey, in accordance with the provisions of *N.J.S.A. 40A:12-13(a)* as follows:

1. The parcel of land, located along State Highway Route 4 in the Township of Teaneck and known and designated as Lot 27 in Block 4102 as shown on the Official Tax Map of the Township of Teaneck, shall be offered for public sale at auction to the highest bidder after advertisement thereof in the Record by two (2) insertions of said advertisement, at least once each week, during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of said sale, which date and the location of the auction sale shall be set forth in said advertisement.

2. Said auction sale shall be made subject to the following conditions which shall be

deemed included in the bidder's bid thereof:

- (a) The minimum price at which said parcel shall be offered for sale is \$ _____
- (b) The Township Council, by not later than its second regular meeting following the holding of the aforesaid public auction sale, shall, with respect to the sale of said parcel of land, either accept the highest bid therefor, or reject all bids, and the Township Council hereby expressly reserves the right to reject all bids respecting the sale of said parcels.
- (c) The auction sale of said parcel of land shall be conducted by the Township Clerk, who may adjourn same, at the above time and place or prior thereto, for a period of not more than one week, without readvertising; and the Township Clerk is hereby authorized and directed to place the required advertisements of sale, to accept deposits, to conduct said sale, and to require appropriate proofs of the bidder's ability to comply with the conditions hereinabove stated.
- (d) Any sale of the above parcel shall be for cash, certified check, or cashier's check from a bank authorized to do business within the State of New Jersey, and any bid made at the holding such sale shall be accompanied by a deposit, in cash, certified check or cashier's check, in an amount equal to 10% of the minimum bid. Closing of such sale shall take place not more than 60 days following the confirmation of such sale and acceptance of such bid by the Township Council, and at closing the balance of the purchase

price shall be paid in full by cash or certified check, at which time a properly executed Deed of Bargain and Sale, with covenant against Grantor's Acts shall be delivered to the Purchaser; provided, however, that the Township Council may extend such 60-day period if, in its judgment, good cause exists for such extension.

- (e) As a condition of a sale of the aforesaid parcel of land, the purchaser thereof shall be required to pay at closing the cost of advertising the said sale, statutory notices, appraisal fees, the sum of \$1,000.00 for legal fees incurred on behalf of the Township respecting such sale and all other charges incurred by the Township in order to effect the sale pursuant to law.
- (f) In the event that title is proven to be unmarketable, the sole liability of the Township shall be to return any deposit money.
- (g) Any sale shall be subject to any easement or restrictions of record and such statement of facts as an accurate survey shall reveal.
- (h) The successful bidder shall be responsible for the cleanup of any environmental contamination located on, under, over or within the above parcel. No deduction shall be made from the purchase price for such cleanup. The successful bidder shall indemnify and hold harmless the Township of Teaneck from any claims relating to such environmental contamination or the cleanup thereof.
- (i) Said sale shall be subject to applicable federal, state, county and local statutes, ordinances, codes and rules and regulations, including specifically,

but not limited to, applicable zoning and land use ordinances and building, plumbing, electrical, fire or similar codes in effect in the Township of Teaneck.

- (j) Closing shall take place in the office of the Township Attorney, Winne Banta Basralian & Kahn, 21 Main Street, Suite 101, Hackensack, New Jersey 07601, or such other location upon which the parties may mutually agree.
- (k) Said parcel of land is sold “as is.” The Township of Teaneck makes no representations as to the condition or quality of the land or improvements upon said parcel. Bidders may inspect said parcel prior to the public sale and shall be responsible to fully acquaint themselves with the condition and quality of the property prior to the public sale.
- (l) The Township of Teaneck assumes no responsibility to maintain said parcel prior to closing and the risk of loss, if any, is upon the successful bidder.
- (m) The Township of Teaneck does not represent that the parcel is developable and shall not be required to correct any violations of law or provide a Certificate of Occupancy or similar document at the time of closing.
- (n) In the event the successful bidder fails to enter into a contract of sale following confirmation of the acceptance of his bid within ten (10) days after submission thereof by the Township of Teaneck, or in the event the successful bidder fails to close in accordance with the terms hereof, the Township may retain the bidder’s deposit monies as liquidated damages.

- (o) The successful bidder may not assign the contract to purchase said parcel without the written consent of the Township of Teaneck.
- (p) Real estate taxes shall be adjusted as of the date of closing.
- (q) The Township of Teaneck shall not pay any broker's commission in connection with this sale and the successful bidder shall indemnify and hold harmless the Township of Teaneck from any such claim therefor arising by reason of the conduct of the successful bidder.
- (r) Except as set forth herein, the terms and conditions of the sale shall not be modified except as may be mutually agreed upon in writing, by the Township of Teaneck and the successful bidder, provided that no such modifications shall result in a violation of the bidding statute.
- (s) The sale of the aforesaid parcels of land shall be subject to the following deed restrictions which shall be deemed to run with the land:
 - i. The property may not be used or developed for any purpose for which property tax exemption may be granted.
- (t) Notwithstanding any provision hereof to the contrary, where, as here, the real property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, the Township shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land. N.J.S.A. 40A:12-13.2

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*MEMBER N.J., N.Y. BARS

September 26, 2016

Via Fax 201-487-8529

William Rupp, Esq.
21 Main Street
Suite 101
Hackensack, NJ 07601

Re: Siegel & Siegel – 300 Route 4 East, Teaneck, NJ
Block: 4102, Lot 26.01

Dear Mr. Rupp:

When I spoke to Eli Katz last week he indicated that you were going to prepare a resolution for the counsel to be sent to the Planning Board to consider changing the present zoning for our property and the adjoining property owned by the township to be used as a Hotel, an Office or a Storage Facility. Would it be possible for us to review the resolution before it goes to the Planning Board?

We thank you in advance.

Very truly yours,


Howard Siegel

HS/sl

SIEGEL & SIEGEL
Attorneys and Counsellors At Law
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*MEMBER N.J, N.Y.BARS

October 26, 2016

Via Fax 201-487-8529

William Rupp, Esq.
21 Main Street
Suite 101
Hackensack, NJ 07601

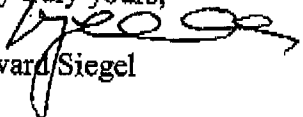
Re: Siegel & Siegel – 300 Route 4 East, Teaneck, NJ
Block: 4102, Lot 26.01

Dear Mr. Rupp:

Based upon what Eli Katz agreed to, we would request that you prepare a resolution for the counsel to be sent to the Planning Board to consider changing the present zoning for our property and the adjoining property owned by the township to be used for Office use or a multi-story Storage Facility. Would it be possible for us to review the resolution before it goes to the Mayor and Counsel?

We thank you in advance.

Very truly yours,


Howard Siegel

HS/sl

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*MEMBER N.J. N.Y. BARS

November 3, 2016

Via Fax 201-487-8529

William Rupp, Esq.
21 Main Street
Suite 101
Hackensack, NJ 07601

Re: Siegel & Siegel - 300 Route 4 East, Teaneck, NJ
Block: 4102, Lot 26.01

Dear Mr. Rupp:

As it relates to my letter of October 26, 2016, we know that the Planning Board some years ago approved a hotel use for the above referenced property. In preparing a new resolution as requested in my letter, is it necessary to include the hotel use again or to restate the same in the new resolution. I spoke with Eli Katz and he suggested that I ask you before the resolution is presented on November 14, 2016.

If you have any questions, please feel free to call.

Very truly yours,


Howard Siegel

HS/sl