

# RESOLUTION

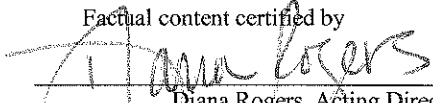
No. 16-83

Date of Adoption MAR 03 2016

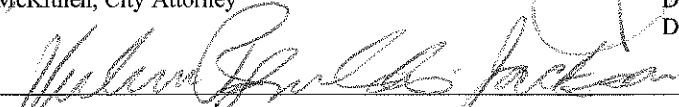
Approved as to Form and Legality

Factual content certified by

  
Marc McKithen, City Attorney

  
Diana Rogers, Acting Director  
Department of Housing & Economic Development

Councilman/woman



presents the following Resolution:

**RESOLUTION AUTHORIZING THE PUBLIC AUCTION OF CERTAIN CITY-OWNED PROPERTY PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-13(a)**

**WHEREAS**, the properties identified in Schedule "A" (attached hereto and incorporated herein by reference) are owned by the City of Trenton and are not needed for public purposes (hereinafter, individually the "property," and collectively the "properties"); and

**WHEREAS**, it is in the best interest of the City of Trenton to sell the Properties by public auction in the manner set forth in N.J.S.A. 40A:12-13(a); and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Trenton that the identified Properties shall be advertised for public sale pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., subject to the following conditions:

1. The auction shall take place on Monday, March 28, 2016, commencing at 12:00 P.M. in City Council Chambers, 2nd Floor, City Hall, Trenton, New Jersey, in the manner of an open public auction in accordance with procedures to be announced by the City Clerk. The City Clerk shall advertise the open public auction in the manner required by applicable State law. The bidding for the Properties shall commence at the minimum bid specified in Schedule "A". In the event that circumstances prevent or interfere with the conduct of the auction on the above date, the Director of the Department of Housing and Economic Development may adjourn and reschedule the auction without further City Council Resolution, provided that the applicable notice requirements are satisfied.
2. The City shall have the right to remove any property from the auction for any reason whatsoever upon until the time of the auction. Notice of such removal will be posted prior to the commencement of the auction.
3. All interested, potential bidders will be required to pre-register for the auction via [www.evenbrite.com](http://www.evenbrite.com) or other service the City deems appropriate, and be required to pay a \$75 registration fee. In addition, interested, potential bidders will be permitted to register for the auction on the day of the auction. The \$75 registration fee will be returned to the successful bidders as a credit on the purchase price at closing. No other refunds of registration fees will be allowed for any reason.
4. Upon the close of bidding for a property, the highest qualified bidder, as designated by the City Clerk, shall submit a deposit in the amount of 10% of their bid in the form of cash or certified check. Deposits shall not be refundable in the event that the successful bidder fails to comply with the terms of the public auction advertisement or the Contract of Sale to be entered into with the City or otherwise fails to consummate the purchase following formal bid approval.
5. All bids shall be referred to the City Council for review and final approval pursuant to N.J.S.A. 40A:12-13(a). The City reserves the right to accept or reject any and all bids

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including the highest bid and shall make its decision known by way of a City Council Resolution.

6. The Properties listed in Schedule "A" may include commercial and residential properties, as well as vacant, City-owned lots.
7. All bidders must appear in person at the auction and upon being designated as the successful bidder, must present identifying credentials. A person bidding on behalf of a corporation must, upon being designated as the successful bidder, present a copy of the Certificate of Incorporation and a letter of authorization of the corporation. A person bidding on behalf of a partnership or using a trade name must, upon being designated as the successful bidder, submit a copy of the Certificate of Trade Name (partnership) and a letter of authorization from all other partner(s). No bidder may submit a bid on behalf of another except that a husband or wife may bid on behalf of both.
8. The successful bidder shall be obligated to execute a Contract of Sale with the City, embodying the terms and conditions hereof, directly after the close of bidding at the public auction.
9. The City shall record the deed and Contract of Sale with the Mercer County Clerk's Office on behalf of the successful bidder, and successful bidders shall be responsible for payment of (i) an administrative fee in the amount of \$130, and (ii) a deed recording fee in the amount of \$11. Further, successful bidders shall not be permitted to assign their bid nor any right, title or interest in the property on which the bid was made to any other person or entity prior to closing.
10. Title to the Property shall be conveyed by a Deed of Bargain and Sale and payment of the balance of the purchase price (less the 10% deposit) shall be made in the form of cash or certified check at a closing to be arranged between the successful bidder and the City.
11. In the event the City incurs any costs for the maintenance or repair of the Property subsequent to the auction but prior to the transfer of title to the property, the City shall be entitled to seek reimbursement for the same from the purchase price at closing.
12. The City shall not pay any commission to any broker for the sale of any auction property nor shall it pay any legal fees in connection with the sale of any auction property.
13. It shall be the obligation of the successful bidder to have a title search of the property conducted within the prescribed time period referenced in the Contract of Sale and obtain a title commitment. Further, the successful bidder shall deliver a copy of the title report to the City within the time period prescribed in the Contract of Sale, together with written notice of any encumbrance, interest, or exception of title disclosed by the title report the would render title unmarketable. A purchaser's failure to obtain a title report or to provide such notice to the City of any title question relating to the marketability of a property within the requisite time period shall be deemed a waiver of each such title question or possible claim. **The City shall assume no responsibility for any defects in title which the purchaser does not deliver notice of within the time period prescribed in the Contract of Sale.** In the event that the Purchaser fails to obtain a title commitment, the City may elect to convey title to the property to the purchaser by quitclaim deed.

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14. Tax liability on any property which is purchased from the City shall commence as of the first day of the first full month following the closing of the property. Purchasers shall be responsible for the timely payment of all real estate taxes and other municipal assessments and charges during the time period within which the Property is being rehabilitated, and at all times thereafter.
15. The successful bidder of an auction property shall automatically be exempt from the requirements of the Vacant Property Registration Ordinance during the time period permitted for obtaining a Certificate of Occupancy in the Contract of Sale. If the successful bidder fails to obtain a Certificate of Occupancy as required by the Contract of Sale, such successful bidder shall be required to register the property as a "vacant" property and pay the initial vacant property registration fee of \$250.
16. The purchaser of the auctioned property shall not sell or otherwise transfer title to any property purchased through auction, or any part thereof, to a non-profit or non-taxable organization for a period of five (5) years from the date of closing on the property. Such clause shall be included in the deed.
17. All properties shall be sold in "AS-IS" condition, subject to any and all existing tenancies, code violations and other physical and environmental conditions. The City does not make any representations or warranties as to the condition or value of the properties or their suitability for any particular purpose. Bidders shall be afforded the opportunity to inspect the properties prior to the auction. Upon purchasing an occupied property, successful bidders shall be solely responsible, in their sole discretion, for terminating any existing tenancies and initiating eviction proceedings.
18. The successful bidder shall be required to rehabilitate the property to meet code standards for use and occupancy as hereby required, regardless of actual occupancy of the property. At closing, the Director of the Department of Housing and Economic Development in his/her discretion, may require the successful bidder to provide to the Division of Real Estate and Property Management a schedule acceptable to the Division for the rehabilitation of the property that ensures that a Certificate of Occupancy will be issued within 12 months from the date of closing, which schedule shall include timetables for the completion of plans and issuance of permits and any additional information requested by the City. Extensions of not more than a total of 6 months may be granted for good cause by the Director of the Department of Housing and Economic Development, but under no circumstances shall the time period for rehabilitation exceed 18 months from the date of closing. Failure to complete any steps in the schedule within 90 days from the date set forth in the schedule approved at closing or otherwise repair, rehabilitate and maintain the property in accordance with the Contract of Sale, shall constitute an event of default, on the basis of which the City may take such steps as are necessary to reacquire title to the property. Any successful bidder seeking to rehabilitate any property consisting of three or more units will be required to comply with the regulations of the New Jersey Multi-Housing Inspection Bureau.
19. The Contract of Sale with the City shall not be assignable by the successful bidder to any other party, other than to a business entity to be formed by the bidder for the purpose of fulfilling the redevelopment plan, without the prior written consent of the Director of the Department of Housing and Economic Development, which consent shall not to be

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unreasonably withheld. Failure to obtain such consent shall constitute an event of default under the Contract of Sale, on the basis of which the City may take such steps as are necessary to reacquire title to the property.

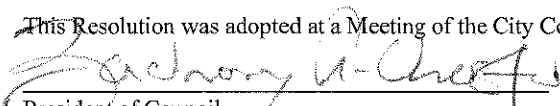
20. Rehabilitation of any property located in a historic district must be in conformity with the Restoration Guidelines of the Trenton Landmarks Commission and purchasers of such properties shall be required to present their rehabilitation plan to the Landmarks Commission in accordance with the applicable City Ordinance. Successful bidders shall be required to comply with all other applicable Federal, State and local laws and regulations in the rehabilitation and repair of the property
21. Failure to comply with any of the requirements set forth herein or to close within sixty (60) days following the date the Contract of Sale is fully executed, shall entitle the City, in its sole discretion, to rescind prior bid approval, terminate any and all rights to the designated bidder in the property, and retain the deposit.
22. The City will not accept a bid by or on behalf of any person or business association, or any person having a 10% or greater ownership interest therein, that owned, in whole or in part, the property being sold at any time within 12 months prior to its foreclosure by the City for tax arrearages unless:
  - a. the proposed bidder submits a bid in an amount equal to or greater than the calculated tax redemption amount, which amount shall be made available on request during the auction registration period; and
  - b. if the previous owner submits the highest bid, said bidder shall tender, at the conclusion of the bidding, cash or certified funds in the amount of 50% of his closing bid, in default of which the closing bid of the next highest qualifying bidder shall be deemed to be the highest bid received.
23. Prior to closing, the successful bidder shall be required to provide evidence of its financial ability, and capacity to undertake the repair and rehabilitation of the property to full code standards within the timeframe set forth in Paragraph 18 above. The City may cancel the sale of the property if such evidence is not received in a timely fashion, or if such evidence does not, in the City's judgment, adequately establish the capability of the successful bidder.
24. The City may, at its discretion, reject a bid by or on behalf of, or disqualify a successful bidder who:
  - a. has previously purchased city owned properties and has not complied with the terms and conditions of sale or has failed to consummate the purchase of those properties;
  - b. who has previously purchased one or more city owned properties and, at the time of the auction, has yet to receive a Certificate of Occupancy for any property so purchased;
  - c. owns property located within the City upon which there exists a tax arrearage of more than 2 quarters; or

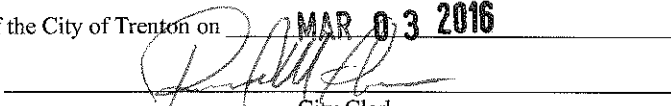
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- d. owns property located within the City upon which there exists outstanding citations for housing code violations.
25. Except as otherwise specifically set forth herein, no employee, agent or officer of the City has authority to waive, modify or amend any of the foregoing conditions of sale.

	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
BETHEA	✓				HOLLY WARD	✓				CHESTER	✓			
CALDWELL WILSON	✓				MUSCHAL	✓								
HARRISON	✓				REYNOLDS JACKSON	✓								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on MAR 03 2016

  
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 President of Council

  
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 City Clerk

# Schedule “A”

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Block	Lot(s)	Number	Street	Zoning	Description	Opening Bid
11003	24	40	Asbury St.	RB	Building	\$500
11003	19	52	Asbury St.	RB	Building	\$200
11004	53	57	Asbury St.	RB	Building	\$250
11003	9	72	Asbury St.	RB	Building	\$500
15604	2	12	Bayard St. *	BB	Tenant Occupied Building	\$4,500
4101	3	14	Bellevue Ave.	BB	Building	\$250
22802	33	234	Breunig Ave.	RB	Building	\$250
22801	9	217	Breunig Ave.	RB	Building	\$250
22802	26	220	Breunig Ave.	RB	Building	\$200
6804	5	852	Calhoun St.	BB	Building	\$250
10306	3	347	Centre St.	BB	Building/Commercial	\$2,500
10203	31	125-129	Centre St.	RB	Building	\$750
18602	22	1914-1924	Chestnut Ave.	RB	Land	\$18,000
11003	71	36	Daymond St.	RB	Building	\$200
22303	14	223	Dickinson St.	IA	Building	\$250
8503	1	19	E. Ingham Ave. *	RB	Tenant Occupied Building	\$2,500
2601	3	605	Edgewood Ave.	RB	Building	\$1,000
2601	14	627	Edgewood Ave.	RB	Building	\$750
2701	15	550	Edgewood Ave.	BB	Building	\$1,500
8902	44	12	Evans Ave.	RB	Land	\$500
10901	5	144	Ferry St.	RB	Building	\$200
11101	15	129	Ferry St.	RB	Building	\$250
10306	22	15	Furman St.	RB	Building	\$500
27102	7	141	Garfield Ave.	RB	Building	\$500
1602	4	46	Grant Ave.*	RB	Tenant Occupied Building	\$2,500
14004	16	615	Greenwood Ave.	MU	Building	\$750
26401	3	15	Hampton St.	BB	Building	\$250
13502	20 & 21	5-7-9	High St.	RB	Building/Commercial	\$4,500
6201	66	266	Highland Ave.	RB	Building	\$250
6202	11	144	Hoffman Ave.	RB	Building	\$200
6101	46	167	Hoffman Ave.	RB	Building	\$250
6101	50	175	Hoffman Ave.	RB	Building	\$500
33704	1	301	Homan Ave.	RB2	Land	\$6,500
18505	14 & 13	302	Home Ave.	RB	Building	\$1,500
17301	35	23	Howard St.	RB	Building	\$2,500
33304	21	54	Kelsey Ave.	MU	Building	\$250
22502	31	45	Klag Ave. *	RB	Tenant Occupied Building	\$2,500
10307	3 & 2	460	Lamberton St.	RB	Building/Commercial	\$2,500

Block	Lot(s)	Number	Street	Zoning	Description	Opening Bid
10307	5	458	Lamberton St.	RB	Building	\$500
10307	4	458 ½	Lamberton St.	RB	Building	\$500
10308	13	528	Lamberton St.	RB	Building	\$200
11002	29	413	Lamberton St.	RB	Building	\$500
6302	7	21	Laurel Ave.	RB	Building	\$250
1603	13	36	Lincoln Ave.	RB	Building	\$500
22401	21	53	Mechanics Ave.	RB	Building	\$500
22403	28	36	Mechanics Ave.	RB	Building	\$500
22404	5	58	Mechanics Ave.	RB	Building	\$250
13101	91	511	Monmouth St.	RB	Building	\$500
2605	25	18	Murray St.	RB	Building	\$500
2605	15	40	Murray St.	RB	Building	\$200
5801	28	511	N. Hermitage Ave.	RB	Building	\$250
2806	17	22	N. Overbrook Ave.	RB2	Building	\$500
8604	12	637	N. Willow St.	RB	Building	\$250
8702	15	1002	N. Willow St.	MU	Building	\$500
8702	18	1010	N. Willow St.	MU	Building	\$250
2301	48	187 ½	Passaic St.	RB	Building	\$500
2104	22	196	Passaic St.	RB	Building	\$500
2302	32	117	Passaic St.	RB	Building	\$500
2503	29	236	Passaic St.	RB	Building	\$750
3702	6	58	Passaic St.	RB	Building	\$500
25002	16,17, 18	77-83	Phillips Ave.	IA	Land	\$1,500
5801	50	184	Rosemont Ave.	RB	Building	\$500
6401	39	228	Rosemont Ave.	RB	Building	\$500
19102	10 & 9	1070-1072	S. Broad St. *	BB	Tenant Occupied Building/Commercial	\$75,000
10503	24	305	Second St.	RB	Building	\$250
10503	28	313	Second St.	RB	Building	\$500
11504	8	533	Second St.	RB	Building	\$200
21602	2	179	Sherman Ave.	IB	Building	\$250
24906	17, 16, 15, 14, 13, 12, 11, 10 & 9	30	Siegal Ave.	RB	Land/Building Garage	\$2,000
22401	70	354	St. Joes Ave.	RB	Building	\$250
5801	27 & 26	701, 703	Stuyvesant Ave.	RB	Building	\$500
5901	19	675	Stuyvesant Ave.	RB	Building	\$500



Block	Lot(s)	Number	Street	Zoning	Description	Opening Bid
6106	3	786	Stuyvesant Ave.	RB	Building	\$500
6401	20	813	Stuyvesant Ave.	BB	Building	\$1,000
21401	6	25	Taylor St.	BB	Building	\$250
21402	7	22	Taylor St.	BB	Building	\$250
21401	5	27	Taylor St.	BB	Building	\$250
27602	13	230	Tioga St.	RB2	Building	\$200
27602	19	218	Tioga St.	RB2	Building	\$200
17507	9	95	Tremont St.	BB	Building	\$500
8603	39	17	Trent St.	RB	Building	\$200
8605	33 & 32	127	Trent St.	RB	Building	\$250
3801	15, 14 & 16	39-49	Tucker St.	MU	Building/Commercial	\$5,000
10304	38	143	Turpin St.	BB	Building	\$200
13805	8	265	Tyler St.	RB	Building	\$200
8808	82	71	Vine St.	RB	Building	\$500
8805	15	22	Vine St.	RB	Building	\$250
2302	16	428	W. Hanover St.	RB	Building	\$2,500
2303	4	425	W. Hanover St.	RB	Building	\$500
2301	25	496	W. Hanover St.	RB	Building	\$2,500
8603	13	22	W. Ingham Ave.	RB	Building	\$250
8605	14	128	W. Ingham Ave.	RB	Building	\$250
7001	4	45	W. Ingham Ave.	RB	Building	\$200
9405	7	15	W. Miller St.	RB	Building	\$500
9302	21	32	W. Paul Ave.	RB	Building	\$250
27004	26	833	Walnut Ave.	RB	Building	\$250
27601	5	275	Walnut Ave. *	RB	Tenant Occupied Building	\$500
25901	39	61	Ward Ave.	IA	Building	\$200
6904	1	206	Wayne Ave.	RB	Building	\$200
27302	14	20	Winder Ave.	RB2	Building	\$250

**\*This Property is currently tenant-occupied.**