

**CITY OF BORDENTOWN**

**ORDINANCE 2013-16**

**ORDINANCE AUTHORIZING SALE AND CONVEYANCE OF  
MUNICIPAL PROPERTY TO CONTIGUOUS PROPERTY OWNER FOR  
NOMINAL CONSIDERATION**

**WHEREAS**, Ocean Spray Cranberries, Inc. (“Ocean Spray”) is currently the owner of Block 1601, Lot 2 upon which Spring Street Park is located to the Southwest of Thorntown Creek which bisects the parcel; and

**WHEREAS**, the City of Bordentown entered into an Agreement with Ocean Spray on March 20, 2013 whereby Ocean Spray agreed to convey title to Spring Street Park to the City for nominal consideration after subdivision approval was granted by the Bordentown City Planning Board to divide Spring Street Park to the Southwest of Thorntown Creek from the remaining balance of Block 1601, Lot 2 upon which Ocean Spray’s distribution and warehouse facilities are located; and

**WHEREAS**, during the course of the surveying that was required to prepare the Subdivision Plan it was discovered that the shed in the rear yard of Block 1302, Lot 1 (3 Spring Street) slightly encroaches over the lot line into Spring Street Park which creates a title impediment for both properties that can easily be rectified by a slight readjustment of the lot line that separates the two properties; and

**WHEREAS**, the Subdivision Plan that accomplishes the foregoing, with the joinder and consent of the owner of Block 1302, Lot 1, was approved by the Planning Board pursuant to a Resolution adopted or to be adopted on September 3, 2013; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) authorizes municipalities to convey municipally owned real property by private sale for a sum of not less than One Dollar (\$1.00) to contiguous property owners if the municipal property being conveyed is less than an eighth of the minimum size required for development under the municipal zoning ordinance; and

**WHEREAS**, the area of the property in Block 1601, Lot 2 involved in lot line readjustment for Block 1601, Lot 2 and Block 1302, Lot 1 to correct the shed encroachment contains only 244 square feet (0.006 acres) and is in the Commercial Industrial (“CI”) zoning district which requires a minimum lot area of 43,560 square feet and is therefore less than an eighth of the minimum size required for development in the CI district; and

**WHEREAS**, the City and the owner of Block 1302, Lot 1 both believe it is in their best interests to readjust the lot line between Spring Street Park and Block 1302, Lot 1 to correct the title impediment caused by the encroaching shed and, pursuant to N.J.S.A. 40A:12-13(b)(5), the City desires to convey, at private sale and for nominal consideration (i.e. \$1.00), upon its receipt of title to Spring Street Park from Ocean Spray, the 244 square foot portion of Spring Street Park that arises from readjustment of the lot line to the owner of Block 1302, Lot 1 so that a lot consolidation deed can be filed merging the 244 square feet into Block 1302, Lot 1.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Bordentown as follows:

**SECTION I.**

Upon perfection of the Spring Street Park Subdivision Plan and the City’s receipt of title to Spring Street Park from Ocean Spray, the City shall convey at private sale and for nominal consideration (\$1.00) the 244 square foot portion of Spring Street Park contiguous to Block 1302, Lot 1 to the owner of Block 1302, Lot 1 to readjust the lot lines between the properties to create the shed encroachment on Block 1302, Lot 1.

The Mayor and City Clerk, as may be necessary, are hereby authorized to execute the conveying deed for the 244 square foot portion of Spring Street Park at issue along with any related and ancillary documents necessary to complete the conveyance described herein.

**SECTION II.**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION III.**

This Ordinance shall take effect immediately upon final passage and publication according to law.

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**First Reading: August 26, 2013**  
**Adopted: September 9, 2013**