

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF CERTAIN MUNICIPAL PROPERTY OWNED BY THE BOROUGH OF MOUNT ARLINGTON NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13(B)(5)**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the Borough of Mount Arlington is the owner of certain real property not needed for public use, and the Mayor and Council have determined that it is in the best interest of the Township to sell the same; and

**WHEREAS**, the Local Lands and Buildings Law authorizes municipalities to sell property not needed for public use by private sale to a contiguous property owner where the property to be sold is less than the minimum size needed for development and it without any capital improvements; and

**WHEREAS**, the parcel to be sold is a 0.12 acre lot located in the RA30 zone at 3 Southard Road, Block 6, Lot 17. See Appraisal prepared by the Borough Tax Expert, Scott J. Holzhauer, CTA, SCGREa attached as “**EXHIBIT A**”, and incorporated herein as if set forth at length; and

**WHEREAS**, the Borough has determined that it is in the best interests of the Borough to sell this parcel to the sole adjacent property owner.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey that the property identified herein shall be sold by private sale to the adjacent property owner for not less than fair market value of the interest to be sold, said sale being made expressly subject to the following terms and conditions:

Section 1. The Property hereinafter identified shall be sold, pursuant to N.J.S.A. 40A:12-13(b)(5), to the highest bidder by private sale to the adjacent property owner, for not less than fair market value. It is the responsibility of the bidder to determine whether the property is subject to any encumbrances, liens, zoning regulations, easements, other restrictions, and the Borough makes no representations as to the parcel identified herein.

Section 2. The private sale shall be conducted at a date and time selected by the Borough Administrator upon approval of all documents by the Borough Attorney. The Borough Administrator and Mayor shall be authorized and empowered to sign all documents required to effectuate the sale of this parcel for not less than fair market value.

Section 3. The Buyer shall further abide by the following terms and conditions:

- A. The Buyer shall conduct all necessary title searches prior to the date of the sale. The cost for any title insurance shall be the responsibility of the Buyer.
- B. The description of the property above is intended as a general guide only and may not be accurate. This lot shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.
- C. The Buyer, at its sole expense, shall have a right to conduct environmental and other inspections of the Property with results satisfactory to Buyer and its lender but must complete such inspections within thirty (30) days of adoption of this ordinance.
- D. The Borough Engineer shall perform a survey of the entire tract including the portion being sold in form and substance satisfactory to the Borough and the Buyer, which said survey will be at Buyer's sole expense; and said survey, shall be certified to the Borough.
- E. The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Mount Arlington, including, without limitation those concerning disposition of municipal real estate.
- F. No employee, agent or officer of the Borough of Mount Arlington has any authority to waive, modify or amend any of the conditions of the sale.
- G. The property shall be conveyed by deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.
- H. The Buyer shall deposit cash, check or money order in the amount of not less than 10% of the purchase price upon execution of a contract of sale. If the prospective Buyer defaults on the contract of sale, the deposit shall be forfeited and shall become the property of the Borough.
- I. The Buyer shall pay at the time of closing:
  - (1) The balance of the purchase price;
  - (2) Legal fees incurred by the Borough for transfer of title, including the cost of production of legal documents;
  - (3) Engineering fees incurred by the Borough in determining the exact dimensions of the property and any easement(s), if any, to be retained by the Borough;
  - (4) The cost of advertisement of the sale;
  - (5) The cost of recording the deed, with an agreement that said deed shall be recorded on behalf of the Buyer by the Borough Attorney; and



(6) Prorated real estate taxes for the balance of the current year as of the date of closing.

J. The Buyer shall covenant and agree to abide by appropriate zoning, subdivision, health and building regulations and codes and shall stipulate that this sale will not be used as grounds to support any variance from the regulations.

K. The purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.

Section 4. The Borough does not warrant or certify title to the property and in any event shall the Borough be liable for any damages to the Buyer/successful bidder if title is found unmarketable for any reason and the Buyer/successful bidder waives any and all right in damages or by way of liens against the Borough, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful bidder to examine title to the premises prior to the closing. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk and the Borough Attorney, by the Buyer, in writing no later than thirty (30) days after the execution of the contract of sale. Failure upon the part of the Buyer to give written notice within said time shall be deemed conclusive proof that the Buyer accepts the title in its present condition, and the Borough shall not be responsible for any subsequent claims of defect in title and shall not be required to refund money or correct any defect in title or be held liable for damages.

Section 5. Pursuant to N.J.S.A. 40A:12-13, the description of the property to be sold and the fair market value shall be posted on the bulletin board or other conspicuous place in Borough Hall and published in the official newspaper of the Borough by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven (7) days prior to such sale. Upon the sale of said property, the Borough shall file with the Director of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of advertisements as required by law.

Section 7. Right of Refusal. The Borough shall maintain at all times the right to refuse any and all bids and the right to rescind any sale of the property until the deed of sale has been executed by the Borough and the Buyer.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this

Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage and publication as provided by law.


**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on August 4, 2015 and will be further considered after a Public Hearing held on September 1, 2015 at the Municipal Building at 7:00 P.M.


INTRODUCED:

PUBLISHED:

ATTEST:

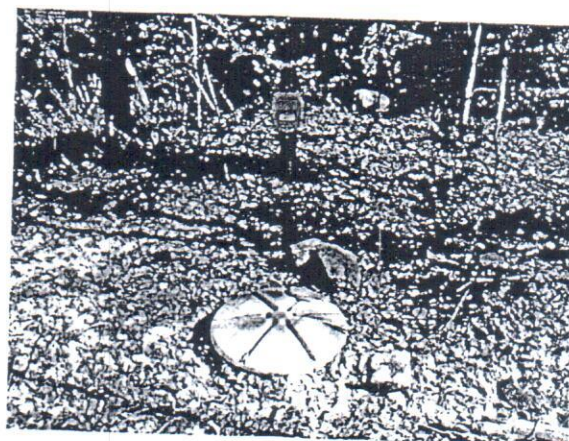
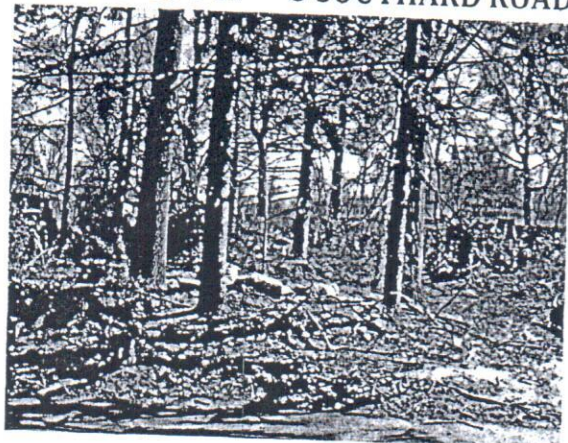
BOROUGH OF MOUNT ALRINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
Linda DeSantis, RMC, Borough Clerk

  
Arthur Ondish, Mayor



BLOCK 6 LOT 17 3 SOUTHARD ROAD



PROPERTY PHOTOS (4)

PARCEL DETAILS

SIZE: 0.1237 ACRES (55'X98')

CURRENT USE: VACANT LOT WITH FORMER STRUCTURE AND CONSTRUCTION DEBRIS AND TRASH; LIGHTLY WOODED. EXISTING GRINDER PUMP TO FORCE MAIN ON SOUTHARD ROAD

USE RESTRICTIONS: MAY BE DEVELOPABLE UNDER HIGHLANDS EXEMPTION #2 FOR SINGLE FAMILY RESIDENCE

ZONING: RA-7.5 (SINGLE FAMILY RESIDENTIAL)

PRINCIPAL PERMITTED USES: SINGLE FAMILY RESIDENTIAL; AGRICULTURAL; PLANNED CLUSTER DEVELOPMENT; MUNICIPAL BUILDINGS, LIBRARIES, FIRE HOUSES, PARKS, PLAYGROUNDS

HIGHLANDS PRESERVATION AREA; MUSCONETCONG SEWER SERVICE AREA

ENVIRONMENTAL CONSTRAINTS: NONE NOTED

MUNICIPAL ASSESSED VALUE: \$81,900



## Legend

— STREAMS

 WETLANDS

 OPEN WATER

 LANDSCAPE PROJECT 3, 4 & 5 AREAS

Block, Lot

 6 17



BLOCK 6, LOT 17  
1237 ACRES

50 0 50 Feet

**CP ENGINEERS**  
A TERA NOVA SOLUTIONS COMPANY

35 SPARTA AVE,  
(973) 300-9003

SPARTA, N.J. 07871  
FAX: 300-4003



**J Caldwell  
& ASSOCIATES LLC**  
PLANNING CONSULTING SERVICES

BOROUGH OF MOUNT ARLINGTON  
BLOCK 6 LOT 17  
3 SOUTHARD ROAD  
MUNICIPAL PLANNING PROJECT

JOB NO. 576.002

DATE: JUNE, 2013



# SCOTT J. HOLZHAUER, CTA, SCGREA

## REAL ESTATE APPRAISAL & ADVISORY SERVICES

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P.O. BOX 513 \* TRANQUILITY, NJ 07879  
PHONE (973) 786-7943 \* FAX (973) 786-7469  
EMAIL: HOLZY@PTD.NET

August 11, 2015

Carolyn Rinaldi  
Mount Arlington Administrator  
419 Howard Blvd.  
Mount Arlington, NJ 07856

RE: Appraisal of Vacant Land

Address: 3 Southard Rd  
Mount Arlington, NJ (Morris Cty)  
Block/Lots: 6 / 17  
Owner: Borough of Mount Arlington

Dear Carolyn:

In accordance with your request, I have conducted an analysis of the above referenced property and performed a study of the available relevant market data in order to appraise the subject parcel in question. The purpose of the appraisal is to estimate the market value of the *fee simple estate* for the 100% undivided interest in the subject property.

It is my understanding that this analysis will be used by the Borough of Mount Arlington for internal consideration regarding the issue of the Sale of Public (Municipal) Property as it pertains specifically to the subject property in question.

The function of this analysis will be to assist the Borough of Mount Arlington in the evaluation of the subject by providing an estimate of potential market value that may be suitable for determination of a fair compensation price if this property were to be offered for sale. This analysis should not however be utilized for any mortgage financing purposes. A more detailed appraisal report would be required for that specific use.

The subject property in question is a vacant lot located on Southard Rd. near the intersection of Howard Blvd. The property has been owned by the Borough of Mount Arlington since 2/1/2012 – as it was acquired via foreclosure of a Tax Lien. This property was once improved with a small single-family residential dwelling that was demolished several years ago and is currently overgrown and partially wooded. The lot is flat and relatively level, with a rectangular configuration measuring approximately 55-ft of frontage on Southard Rd. x 100-ft avg. depth – containing 0.124 Ac.

Linda DeSantis, RMC, CI  
Borough Clerk

AUG 13 2015

Borough of  
Mount Arlington

The subject property appears to have been (or continues to be) a location for "dumping" of landscaping debris and some garbage. In its current condition I would anticipate this type of dumping to continue.

**Client Guidelines for Appraisal Consideration**

As per client directive, I have been asked to consider potential valuation for the 100% fee interest of the subject property in its current unimproved condition.

**Highest and Best Use**

The subject property is located in the RA-7.5 Single Family Residence Zone. The minimum lot size in this zone is 7,500-sf (0.172 Ac) for interior lots. The minimum lot width is 50-ft. Based on the bulk criteria, it would appear the subject property is a "non-conforming lot" as presently configured according to the Tax Map, and would therefore not be suitable for use as a single family residential site. Based on its substandard size, this lot also would not be suitable for any of the "Conditional Uses" that are permitted in this zone. Without a variance, the only thing that this lot would be suitable for would be ANNEXATION TO AN ADJACENT PROPERTY OWNER. In that regard, the property would essentially be treated as "excess land".

There are 3 properties immediately adjacent to the subject that all share a common border. These are the only viable users of the subject property via annexation with their own existing lot. These adjacent lots are identified as follows:

- |                  |   |
|------------------|---|
| Block 6 Lot 1 >  | Use = Single family residential (lot size 110' x 100')<br>Owner = PACIFICO, ANTHONY JR & KATHLEEN<br>Property Location = 4 Circle Dr<br>Proximity = Abuts subject property along its entire rear border   |
| Block 6 Lot 15 > | Use = Duplex residential dwelling (lot size 108' x 100')<br>Owner = RUSSELL, PATRICIA<br>Property Location = 5-7 SOUTHARD RD<br>Proximity = Abuts subject property along the entire right sideline        |
| Block 6 Lot 18 > | Use = Single family residential (lot size 101' x 110')<br>Owner = ACQUAVELLA, MICHAEL & TRACY<br>Property Location = 492 HOWARD BLVD<br>Proximity = Abuts subject property along the entire left sideline |

**Other Considerations**

I have been asked to estimate the potential value of the subject property under the assumption that it were to be "annexed" to an adjacent property – more specifically Block 6 Lot 18. It is my understanding that the subject property has not been listed "for sale", nor has any other valuation analysis been recently conducted on this property. I have no engineering or environmental data to suggest there are any known "constraints" on this property. This property IS LOCATED in the Highlands Preservation Area.



**Inspection Information**

I made an informal “exterior” inspection of the subject property in connection with this appraisal assignment on November 13, 2014. There were no detrimental conditions or potential environmental constraints observed during the inspection or subsequent research on the subject property that would influence my determination of H&B Use beyond what has already been discussed. A further visit was made to the site on August 5, 2015. All physical conditions remain identical to those observed during the initial site visit. This re-visitation date will serve as the date of valuation for this analysis.

**Valuation Considerations**

Since the conclusion of H&B Use for the subject is as “excess land” best suited for assemblage/annexation to any of the adjacent existing parcels, a review of traditional residential vacant land sales does not apply. During my research of sales activity specifically within the Borough of Mount Arlington, it was my observation that the current assessments of the vacant lots were generally quite accurate when considering the most recent equalization ratio determined by the State (90.29% for Tax Year 2015). Accordingly, I feel that in most instances the equalized assessment of the property in question would provide a reasonable estimate of that property’s potential Market Value.

To that end, I have examined the impact on the assessment that would occur if in fact the subject property were to be annexed to Block 6 Lot 18, effectively creating an aggregate lot size of 101’ x 165’. The resulting land assessment (based on the current land value formula from the CAMA program) would change from \$112,500 to \$118,800, an increase of \$6,300 in assessment.

The land valuation as recalculated on the Property Record Card for that property is shown as follows:

LAND CALCULATIONS								
Frt	Eff D	Back L	Tri	Dpf	FFF	Dep	Reason	Value
101	165			1.03		0.90	TRAFFIC	46813
	1 LOT(S)			1.00		0.90	TRAFFIC	72000
Neigh:								
VCS:	FS07			Front Ft Value:		500		
Zone:	RA75			Acre Value:				
Min Front:	50			Lot Value:		80000		
Std Depth:	150						Land Value:	118,800

Based on the determination that the subject property has a H&B Use as “excess land” and should not be considered as a potential building lot based on the current zoning, the assessment increase of \$6,300 for the adjacent parcel that would “annex” the subject lot area is considered reasonable. In applying the 2015 assessment ratio of 90.29% against that potential assessed value increase results in an estimated “market value” of \$6,977 (say \$7,000 rounded).



August 11, 2015

In conclusion, after a study of all the available pertinent data, it is my opinion that the market value of the subject property, in *fee simple estate*, is as follows:

**As of August 5, 2015: 55' x 100' Vacant Land (Excess) = \$7,000**

This letter evaluation effectively represents a Restricted-Use Appraisal Report, consistent with the reporting requirements set forth under Standards Rule 2-2 of the Uniform Standards of Professional Appraisal Practice (USPAP). The opinion of value expressed herein is subject to the assumptions, limiting conditions, definitions and conclusions presented; and to the market research and data analysis that have been retained in the appraiser's work file.

The conclusion of value stated is certified to the client only. The reported analysis itself is restricted for use by the client in any capacity related to the evaluation, negotiation, and disposition of the subject property as it pertains to the purpose for which this evaluation was written. This evaluation report may not serve as a stand-alone document. It is primarily intended to be a guide for internal evaluation & fiscal planning relating to a possible sale of the subject property. The anticipated readers of this document are presumed to have an underlying knowledge of the subject's geographical area and physical configuration, along with general knowledge of the relevant economic market. Additional explanation should not be necessary to convey the analysis involved in estimating the final value. However, certain market factors, transactions, descriptions of the subject, or analysis of the comparables and any resulting conclusions may need to be further enhanced by follow-up oral dialogue based on the specific needs of the reader.

*Considering the purpose for which this evaluation report was written, the descriptive data, analysis, and conclusions reported herein have been limited to the relevant salient facts upon which the opinion of value is based.* Since this report is being conveyed as a "Restricted-Use Appraisal", its contents will not thoroughly address issues pertinent to lenders, insurance companies, or those parties interested in partial interests of the property. This report is not intended for litigation in its present format.

The extreme lack of vacant land sales activity over the past few years, considered a byproduct of the current recession, warranted an analysis consistent with current assessment practice within the municipality – especially as it relates to the H&B Use determination of the subject property as "excess land". The Sales Comparison Approach in this instance was used as a corroborative measure.

Thank you for the opportunity to be of professional service in this important matter. If you have any questions, please give me a call.

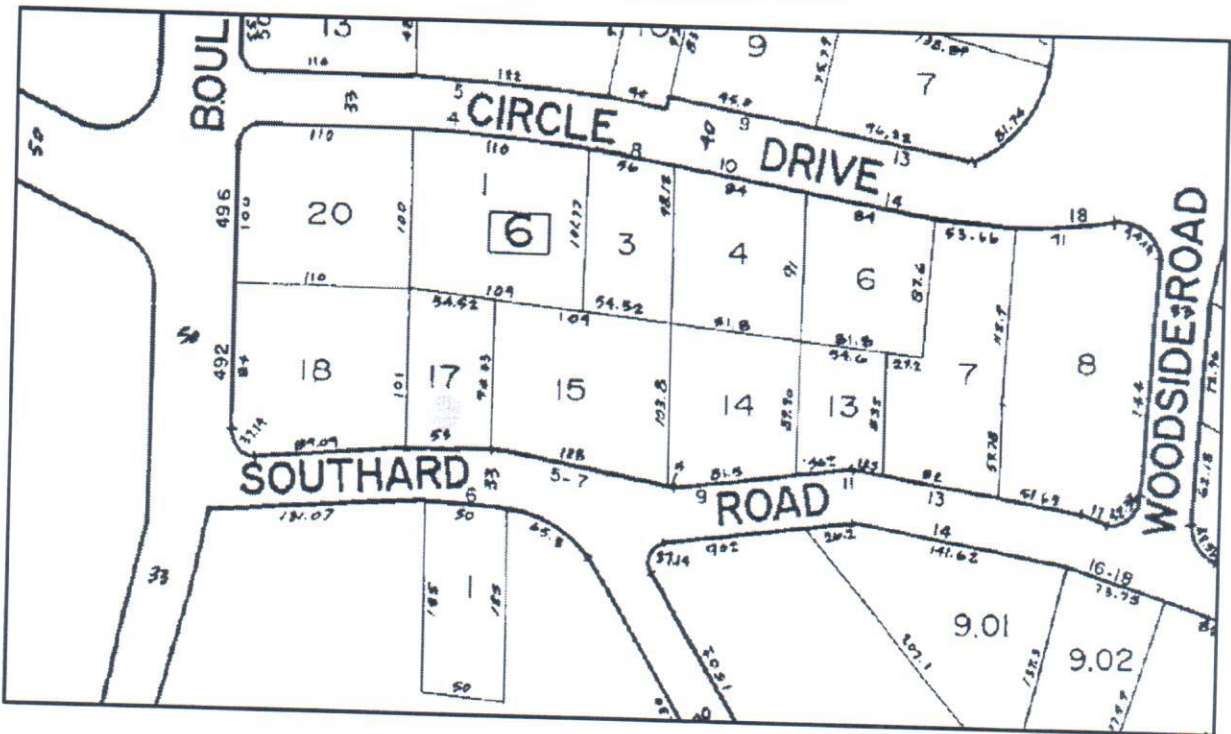
Respectfully submitted,  
SCOTT J. HOLZHAUER, CTA, SCGREA  
By:



Scott J. Holzhauser  
General Appraiser License #RG01115



TAX MAP SHOWING SUBJECT



ZONING MAP SHOWING SUBJECT

