

1<sup>st</sup> Edg. 7-2-12  
2<sup>nd</sup> Edg. 7-16-12  
Adopted 7-16-12  
Effec. 8-5-12

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**ORDINANCE #2012-17**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN REAL PROPERTY OWNED BY CARMEN R. MANZONI AND JOYCE R. VITALE, KNOWN AS BLOCK 410.01, LOT 63.02 ON THE TAX MAP OF THE TOWNSHIP OF LOWER AND ALSO KNOWN AND DESIGNATED AS 2610 BAYSHORE ROAD, VILLAS, NEW JERSEY.**

WHEREAS, CARMEN R. MANZONI AND JOYCE R. VITALE ("Sellers") are the owners of lands located at Lot 63.02, in Block 410.01 (the "Property") in the TOWNSHIP OF LOWER, County of Cape May, New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:12-4, the Township Council of the TOWNSHIP OF LOWER has determined that it is in the best interests of the Township to acquire the fee simple interest in said Property at the purchase price of \$200,000.00, based on the assessed value of said Property, information provided by the Tax Assessor and other factors being considered; and

WHEREAS, Sellers have agreed to convey the fee simple interest in said lands to the TOWNSHIP OF LOWER at the stated purchase price of \$200,000.00 in accordance with the terms of a Real Estate Agreement of Sale between the parties, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Township Chief Financial Officer of the TOWNSHIP OF LOWER has determined that sufficient funds will be available to acquire said interests in the aforesaid Property upon the final adoption in accordance with law of Bond Ordinance # 2012-17.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the TOWNSHIP OF LOWER, Cape May County, New Jersey, duly assembled in public session this 2<sup>nd</sup> day of July, 2012, as follows:

Section 1:

The Township Council hereby authorizes and approves the acquisition of the fee simple interest for the purchase price of \$200,000.00, from Carmen R. Manzoni and Joyce R. Vitale, the property known as block 410.01, lot 63.02 on the tax map of the Township of Lower and also known and designated as 2610 Bayshore Road, Villas, New Jersey.

Section 2:

The Mayor and Clerk are hereby authorized and directed to execute the aforementioned Real Estate Agreement of Sale with the Sellers, with this Ordinance being specifically considered a contract document and creating as a condition for closing the availability of funds for said purchase from the proceeds of Bond Ordinance #2012-16. A specific written acknowledgment of this ordinance and this provision by Sellers shall be obtained by the Township Manager prior to the execution of the Real Estate Agreement of Sale by the Mayor and Clerk.

Section 3:

In the event that Bond Ordinance #2012-16 does not achieve final passage or is otherwise deemed ineffective under the provisions of NJSA 40:49-27, then the Real Estate Agreement of Sale shall be deemed null and void for failure of the funding contingency contained herein. A specific written acknowledgment of this ordinance and this provision by Sellers shall be obtained by the Township Manager prior to the execution of the Real Estate Agreement of Sale by the Mayor and Clerk.

Section 4:

The appropriate Township officials are hereby authorized to take all necessary and proper steps to effectuate and finalize the acquisition, including but not limited to preparation of a metes and bounds description, acquisition of title commitment and preparation of all necessary closing documents, all such costs to be paid out of the proceeds of Bond Ordinance #2012-16 as allowed by law.

Section 3:

This Ordinance shall take effect at the expiration of 20 days after final passage and publication in accordance with law.

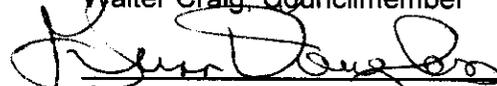
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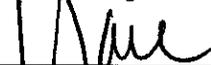
Thomas Conrad, Councilmember



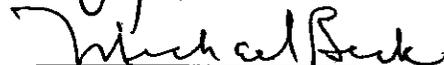
Walter Craig, Councilmember



Glenn Douglass, Councilmember



Kevin Lare, Councilmember



Michael Beck, Mayor

Attest:   
Claudia R. Kammer, Township Clerk

Adopted: July 16, 2013