

A REGULAR YEAR END MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON WEDNESDAY, DECEMBER 28, 2022 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M. THE MEETING WAS HELD REMOTELY USING THE ZOOM REMOTE MEETING PLATFORM.

PRESENT: Mayor Morgan, Council Members: Dennison (7:03 p.m.), Hoag, Smith, Walter and Delfing.

ABSENT: Mr. Mallon.

Adequate Notice of this Remote Meeting was provided in accordance with the Open Public Meetings Act as such the purpose of this meeting is to hold a regular year end meeting to consider transfer appropriations located in the Current Year Budget as per NJSA 40A:4-58.

Mayor Morgan called the meeting to order with a salute to the flag and in accordance with the Open Public Meetings Act by advertising notice of meeting in the N.J. Herald, posting copy of notice in the Borough Hall and on the Borough website.

CORRESPONDENCE: **The following was presented to the Council and placed on file:**
NJDEP Water System Operations Element dated 12/05/22 re: Notice of Non-Compliance – Failure to submit service line documentation. The Mayor reported that the initial survey submission was completed today. The deadline was met. Written notice must be sent to homeowners who did not respond or responded indicating they have a lead service line as to the replacement.

Pio Costa Enterprise dated 12/09/22 re: request to allow a temporary helistop at gristmill and response dated 12/15/2022.

AUDIENCE PARTICIPATION: None.

NEW BUSINESS:

Transfer Resolution:

A MOTION was made by Mr. Hoag, seconded by Mr. Dennison to approve the transfer resolution as prepared by the CFO in the amount of \$400. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Mrs. Delfing reported that Statewide Insurance has provided an updated vehicle list. She will talk with the Fire Chief as to retiring the ambulance and the municipality will begin the process to sell the Hahn as soon as they can.

OLD BUSINESS:

Draft Ordinance Review: Class 2 – Cannabis – Manufacturing – IP Zone

Draft Ordinance Review: Class 2 – Cannabis – Tax

There was some conversation that the timeline to potentially introduce and adopt these ordinances is reduced to practically one month due to the interest to make this change prior to the land sale scheduled for 02/09/23. These ordinances will be considered for introduction at the regular meeting scheduled for 01/09/23. The Mayor asked the Municipal Clerk to explain the process of adopting this zoning ordinance in conjunction with the 2023 council meeting schedule. This explanation included the Planning Board review requirement. Since the Planning Board does not meet again until 01/23/23, two days before the Council workshop on 01/25/23, the governing body considered passing a resolution to refer these ordinances to the planning board immediately to provide ample time to review prior to their 01/23/23 meeting.

A MOTION was made by Mr. Smith, seconded by Mr. Hoag to approve “**A RESOLUTION REFERRING PROPOSED ZONING ORDINANCE FOR REVIEW BY ANDOVER BOROUGH PLANNING/ZONING BOARD PER N.J.S.A. 40:55D-26.**” Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

ANY OTHER BUSINESS:

Water Utility:

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the 2023 Lab Quotation from Agra. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance Review:

The governing body reviewed a draft ordinance addressing Liability Insurance, Business and Rental Unit Owners and Fee Ordinance. They will continue to review in 2023.

RESOLUTIONS:

Tax Sale Certificate Redemption

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a resolution to refund the lienholder for redemption of tax sale certificate block 8 lot 5.01 – certificate #2022-001. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE:

Ordinance #2022-14

A Motion was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and publication of “AN ORDINANCE TO AMEND ORDINANCE #2022-07 FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2022” – **licensed water operator**. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-15

A Motion was made by Mrs. Delfing, seconded by Mrs. Walter to approve the second reading and publication of “AN ORDINANCE REPEALING ORDINANCE NOS. 2022-9, 2022-10, 2022-11 & 2022-12. Upon roll call the following votes were cast: YES: Dennison, Hoag Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-16

A Motion was made by Mrs. Delfing, seconded by Mr. Dennison to approve the second reading and publication of “AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 25, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY (*replacing ord#2022-09*) Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-17

A Motion was made by Mr. Smith, seconded by Mrs. Delfing to approve the second reading and publication approve the first reading and introduction of “AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 36.03, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY” (*replacing ord#2022-10*). Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-18

A Motion was made by Mr. Dennison, seconded by Mr. Hoag to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 27, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY" *replacing ord#2022-11*). Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-19

A Motion was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF BLOCK 24, LOT 37, MAIN STREET, AND BLOCK 26, LOT 25, 12 LENAPE ROAD, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY" (*replacing ord#2022-12*). Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-20

A Motion was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1, LOT 1, ANDOVER BOROUGH, BLOCK 27, LOT 7, GREEN TOWNSHIP AND BLOCK 166, LOT 2, ANDOVER TOWNSHIP, SUSSEX COUNTY, NEW JERSEY. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Dennison, seconded by Mr. Hoag to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed December 28, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Dennison, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mr. Hoag, seconded by Mr. Smith to adjourn the meeting. AYES: All in favor. NAYS: None. Motion carried.

Beth Brothman
Municipal Clerk

Ordinance #2022-13

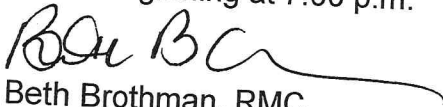
ANDOVER BOROUGH

AN ORDINANCE TO AMEND AN ORDINANCE FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2022

BE IT ORDAINED by the Mayor and council of the Borough of Andover, in the County of Sussex and State of New Jersey, that the salaries established for 2022 are as follows:

Position	Hourly/Salary	Pay Period	Amount
Water Utility Administrator	H	M	20.00

The above entitled ordinance was introduced and passed first reading at a regular meeting of the Mayor and Council on Monday, November 14, 2022 and was presented for final reading and adopted, after public hearing, at a meeting of the Mayor and Council held on Monday, December 12, 2022 at the Borough Hall located at 137 Main Street beginning at 7:00 p.m.


Beth Brothman, RMC
Borough Clerk

Ordinance #2022-14

ANDOVER BOROUGH

AN ORDINANCE TO AMEND AN ORDINANCE FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2022

BE IT ORDAINED by the Mayor and council of the Borough of Andover, in the County of Sussex and State of New Jersey, that the salaries established for 2022 are as follows:

Position	Hourly/Salary	Pay Period	Amount
Licensed Water Operator	S	M	12,000.00

The above entitled ordinance was introduced and passed first reading at a regular meeting of the Mayor and Council on Monday, November 12, 2022 and was presented for final reading and adopted, after public hearing, at a meeting of the Mayor and Council held on Monday, December 28, 2022 at the Borough Hall located at 137 Main Street beginning at 7:00 p.m.




Beth Brothman, RMC
Borough Clerk

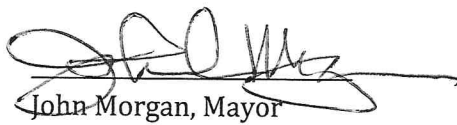
**BOROUGH OF ANDOVER
ORDINANCE #2022-15**

AN ORDINANCE REPEALING ORDINANCE NOS. 2022-9, 2022-10, 2022-11 & 2022-12

BE IT ORDAINED by the Mayor and Council of the Borough of Andover, Sussex County, New Jersey that Ordinance Nos. 2022-9, 2022-10, 2022-11 and 2022-12, which were adopted on November 14, 2022 be and are hereby repealed.

This Ordinance shall take effect upon final passage, approval and publication as required by law.



Beth Brothman, Borough Clerk


John Morgan, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 12th day of December 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the meeting of the Mayor and Council held on the 28th day of December 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 12/28/22


Beth Brothman, RMC
Andover Borough Clerk

BOROUGH OF ANDOVER
ORDINANCE #2022-16

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 25, ANDOVER BOROUGH,
SUSSEX COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 25, Main Street, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as “property”) is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be presented on Thursday, February 9, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

***See also Paragraph (n) below regarding additional costs and premium to be paid before/at time of closing

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price in a form provided by the Borough, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) The property is subject to a lien in favor of the State of New Jersey resulting from environmental remediation. Title to the property shall be conveyed subject to said lien. The successful bidder, its successors and/or assigns shall assume responsibility associated with that lien and shall indemnify and hold the Borough of Andover harmless with regard to the lien and any obligations and consequences related thereto. At closing, the successful bidder shall sign a release and indemnification form satisfactory to the Borough of Andover in this regard.

(h) Portions of the subject lands and premises were the subject of environmental remediation. Accordingly, a successful bidder shall have 30 days after the Borough Council resolves to accept his/her bid to conduct tests, make inquiries and rescind his/her bid in writing delivered to the Borough Clerk setting forth the specific basis for the rescission accompanied by proof thereof. To be eligible for rescission per this paragraph, the specific basis must be the presence of hazardous material on the subject parcel which will require remediation. Notwithstanding any language to the contrary set forth herein: If rescission is properly made per this paragraph, the bid shall be deemed to be void, the payments made to the Borough in connection with the bid will be refunded, and neither party shall have further liability to the other in connection therewith. As a condition for rescission, the bidder shall deliver copies of all test and inspection reports to the Borough Clerk at no charge.

(i) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(j) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(k) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", condition with all faults. Neither the Borough nor the auctioneer make any representation regarding the presence

or absence of wetlands or other environmental conditions on the property; and Buyer assumes the risk of any such condition. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(l) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(m) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(n) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. At the time of closing, successful bidders shall also pay a buyer's premium in the amount of 10 percent of the bid amount to the auctioneer designated by the Borough to conduct the sale. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that 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 assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.


(o) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

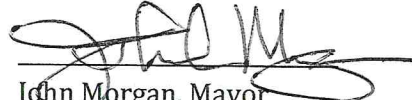
(p) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(q) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(r) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.


Beth Brothman, Borough Clerk


John Morgan, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 12th day of December 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the meeting of the Mayor and Council held on the 28th day of December 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 12/28/22


Beth Brothman, RMC
Andover Borough Clerk

BOROUGH OF ANDOVER
ORDINANCE #2022-17

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 36.03, ANDOVER
BOROUGH, SUSSEX COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 36.03, Lenape Road, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as “property”) is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be presented on Thursday, February 9, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

***See also Paragraph (o) below regarding additional costs and premium to be paid before/at time of closing

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price in a form provided by the Borough, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) Not included in the sale are the lands that lie within 50 feet of the boundaries of Block 24, Lots 34 and 35 ("buffer area"). Before and as a condition of closing, the Borough shall cause a lot line adjustment to be completed for the purpose of separating the buffer area from Block 24, Lot 36.03, and the successful bidder will have no right, title or interest in the buffer area.

(h) Portions of the subject lands and premises were the subject of environmental remediation and may be impressed with a lien(s) of the State of New Jersey. Accordingly, a successful bidder shall have 30 days after the Borough Council resolves to accept his/her bid to conduct tests, make inquiries and rescind his/her bid in writing delivered to the Borough Clerk setting forth the specific basis for the rescission accompanied by proof thereof. To be eligible for rescission per this paragraph, the specific basis must be the existence of a lien held by the State of New Jersey against the specific parcel for which the bid is accepted or the presence of hazardous material on the subject parcel which will require remediation. Notwithstanding any language to the contrary set forth herein: If rescission is properly made per this paragraph, the bid shall be deemed to be void, the payments made to the Borough in connection with the bid will be refunded, and neither party shall have further liability to the other in connection therewith. As a condition for rescission, the bidder shall deliver copies of all test and inspection reports to the Borough Clerk at no charge.

(i) There are conditions existing on the property which may lead to citations for violations if not immediately addressed after acquisition of title such as, for example, the presence of abandoned vehicles and equipment. The successful bidder shall be responsible for the proper removal of such vehicles, equipment and conditions, for compliance with the requirements of the Andover Borough code, and the Borough shall have no responsibility for same.

(j) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(k) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(l) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", condition with all faults. Neither the Borough nor the auctioneer make any representation regarding the presence or absence of wetlands or other environmental conditions on the property; and Buyer assumes the risk of any such condition. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(m) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(n) At closing, the purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(o) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. At the time of closing, successful bidders shall also pay a buyer's premium in the amount of 10 percent of the bid amount to the auctioneer designated by the Borough to conduct the sale. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that 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 assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

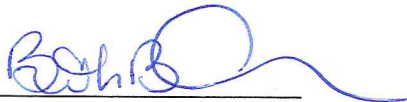
(p) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

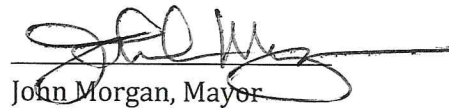
(q) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(r) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(s) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.

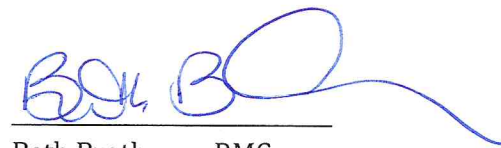

Beth Brothman, Borough Clerk


John Morgan, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 12th day of December 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the meeting of the Mayor and Council held on the 28th day of December 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 12/28/22


Beth Brothman, RMC
Andover Borough Clerk

BOROUGH OF ANDOVER
ORDINANCE #2022-18

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 27, ANDOVER BOROUGH,
SUSSEX COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 27, Limecrest Road, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as "property") is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be presented on Thursday, February 9, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

***See also Paragraph (l) below regarding additional costs and premium to be paid before/at time of closing

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price in a form provided by the Borough, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(h) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(i) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", condition with all faults. Neither the Borough nor the auctioneer make any representation regarding the presence or absence of wetlands or other environmental conditions on the property; and Buyer assumes the risk of any such condition. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(j) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(k) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(l) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. At the time of closing, successful bidders shall also pay a buyer's premium in the amount of 10 percent of the bid amount to the auctioneer designated by the Borough to conduct the sale. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that 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 assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

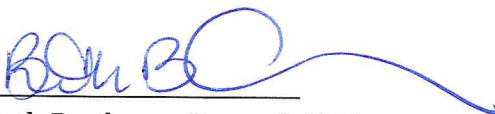
(m) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.


(n) 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 Andover.

(o) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(p) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.


Beth Brothman, Borough Clerk


John Morgan, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 12th day of December 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the meeting of the Mayor and Council held on the 28th day of December 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 12/28/22



Beth Brothman, RMC
Andover Borough Clerk

BOROUGH OF ANDOVER
ORDINANCE #2022-19

AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF BLOCK 24, LOT 37, MAIN STREET, AND BLOCK 26, LOT 25, 12 LENAPE ROAD, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY

WHEREAS, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 37, Main Street, and Block 26, Lot 25, 12 Lenape Road, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as “property”) are no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be presented on Thursday, February 9, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall submit separate bids for individual parcels.

(d) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

***See also Paragraph (n) below regarding additional costs and premium to be paid before/at time of closing

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price in a form provided by the Borough,

which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(f) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block designations. The Deed shall be delivered upon final payment to be made as described in (d) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(g) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(h) **WITH REGARD TO BLOCK 24, LOT 37:** A portion of Block 24, Lot 37, Main Street was the subject of environmental remediation and may be subject to an environmental lien in favor of the State of New Jersey. Accordingly, a successful bidder shall have 30 days after the Borough Council resolves to accept his/her bid to conduct tests, make inquiries and rescind his/her bid in writing delivered to the Borough Clerk setting forth the specific basis for the rescission accompanied by proof thereof. To be eligible for rescission per this paragraph, the specific basis must be the presence of hazardous material on the subject parcel which will require remediation or the existence of an environmental lien in favor of the State of New Jersey. Notwithstanding any language to the contrary set forth herein: If rescission is properly made per this paragraph, the bid shall be deemed to be void, the payments made to the Borough in connection with the bid will be refunded, and neither party shall have further liability to the other in connection therewith. As a condition for rescission, the bidder shall deliver copies of all test and inspection reports to the Borough Clerk at no charge.

(i) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(j) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(k) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", condition with all faults. Neither the Borough nor the auctioneer make any representation regarding the presence or absence of wetlands or other environmental conditions on the property; and Buyer assumes the risk of any such condition. No representations of any kind are made by the Borough as to acreage,

quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing

(l) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(m) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(n) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. At the time of closing, successful bidders shall also pay a buyer's premium in the amount of 10 percent of the bid amount to the auctioneer designated by the Borough to conduct the sale. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that 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 assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

(o) In the event a right of first refusal is retained by a contiguous owner which is duly exercised in accordance with NJSA 40A:12-13.2, the bid for the affected Parcel shall be deemed to be rescinded, whereupon any monies paid by the bidder will be refunded by the Borough, and neither party shall be liable to the other in connection therewith.

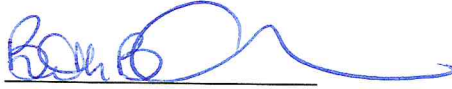
(p) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

(q) 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 Andover.

(r) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(s) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.



Beth Brothman, Borough Clerk

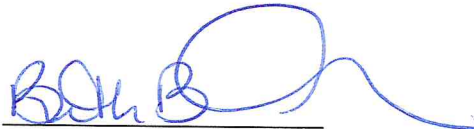


John Morgan, Mayor

NOTICE

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Date: 12/28/22



Beth Brothman, RMC
Andover Borough Clerk

**BOROUGH OF ANDOVER
ORDINANCE #2022-20**

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 1, LOT 1, ANDOVER BOROUGH,
BLOCK 27, LOT 7, GREEN TOWNSHIP AND BLOCK 166, LOT 2, ANDOVER TOWNSHIP, SUSSEX
COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 1, Lot 1, Andover Borough, Block 27, Lot 7, Green Township and Block 166, Lot 2, Andover Township, Sussex County, New Jersey (herein after referred to as "property") are no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be presented on Thursday, February 9, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

***See also Paragraph (l) below regarding additional costs and premium to be paid before/at time of closing

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price in a form provided by the Borough, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance,

in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(h) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", condition with all faults. Neither the Borough nor the auctioneer make any representation regarding the presence or absence of wetlands or other environmental conditions on the property; and Buyer assumes the risk of any such condition. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing

(i) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(j) A portion of the subject property receives the benefit of farmland assessment. The successful bidder shall be responsible for any and all rollback taxes related to the subject property and shall indemnify and hold harmless the Borough of Andover regarding same.

(k) At closing, the purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(l) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be

recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. At the time of closing, successful bidders shall also pay a buyer's premium in the amount of 10 percent of the bid amount to the auctioneer designated by the Borough to conduct the sale. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that 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 assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.


(m) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

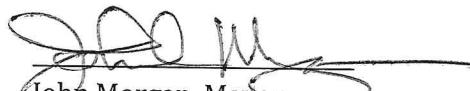
(n) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(o) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(p) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.

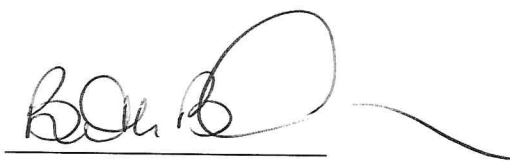

Beth Brothman, Borough Clerk


John Morgan, Mayor

NOTICE

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Date: 12/28/22


Beth Brothman, RMC
Andover Borough Clerk