

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 22-2007**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN  
AUTHORIZING THE PRIVATE SALE OF BLOCK 4200, LOT 47 (DAWSON STREET)  
TO THE CONTIGUOUS PROPERTY OWNERS**

**WHEREAS**, the Township is the owner of Block 4200, Lot 47 (“Property”), which is a nonconforming lot in the R-3 Residence District; and

**WHEREAS**, Block 4200, Lots 46 and 48, which are two of the three lots contiguous to the Property, are nonconforming and have pending before the Zoning Board of Adjustment applications for variances; and

**WHEREAS**, *N.J.S.A.* 40A:12-13(b)(5) permits a municipality to adopt an ordinance authorizing the private sale for the fair market value of real property to the contiguous property owners “provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon;” and

**WHEREAS**, pursuant to *N.J.S.A.* 40A:12-13.2 the owners of the third contiguous property, Block 4200, Lot 36, were offered the opportunity to purchase a portion of the Property and advised that they had no interest; and

**WHEREAS**, the Council has determined that it is in the best interest of the Township to authorize that the Property be subdivided into two equal halves and that each half be sold to the contiguous property owner for the fair market value of \$35,000.00 plus costs not to exceed \$5,000.00 so that Block 4200, Lots 46 and 48 shall each conform to the R-3 zoning requirements and development regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, as follows:

Section 1. The Property shall be subdivided in equal portions and each subdivided parcel shall be sold to the owner of the contiguous parcel, Block 4200, Lots 46 and 48, for the fair market value of \$35,000.00 and one half of the costs not to exceed \$5,000.00. The subdivision deeds shall contain a covenant, which shall run with the land, that the lot and the single family detached dwelling shall conform with all R-3 Residence District use restrictions and regulations. Each building permit application shall be accompanied by a grading plan to assure that each lot has adequate drainage.

Section 2. The Mayor and Township Clerk are hereby authorized to sign the deeds conveying the Property.

Section 3: The Township Engineer and Township Attorney are hereby authorized to take all necessary actions to cause the Property to be subdivided and conveyed to the owners of Block 4200, Lots 46 and 48, upon written confirmation that they each have agreed to bound by the provisions of this Ordinance.

Section 4: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies

Section 5: Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 6: Effective Date. This Ordinance shall take effect twenty (20) days after the first publication thereof, after final passage and in accordance with law.

Section 7: Short Title. This Ordinance shall be known as Ordinance 22-2007.

#### CERTIFICATION

I, Patricia L. Hunt, hereby certify that Ordinance No. 22-2007 was introduced and adopted on first reading by the Township Council at a meeting held on June 25, 2007. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on July 9, 2007.

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Patricia L. Hunt, Township Clerk