

**RESOLUTION R:66-12**

**RESOLUTION CONFIRMING SALE OF LAND IN  
THE BOROUGH OF CLAYTON  
(KENNY PATEL, BLOCK 905, LOT 12)**

*WHEREAS*, KENNY PATEL has heretofore offered to buy certain land in the Borough of Clayton, County of Gloucester and State of New Jersey, described as Block 905, Lot 12; and

*WHEREAS*, Borough Council, at a meeting held on Thursday, February 9, 2012 approved said offer, subject to confirmation and subject to the highest bid being made therefor, which notice was published pursuant to law; and

*WHEREAS*, at the time and place set, KENNY PATEL made the highest bid for Block 905, Lot 12, bidding Three Hundred Thousand Dollars (\$300,000.00), plus legal and advertising expenses.

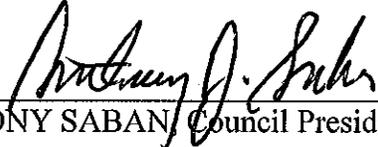
*NOW, THEREFORE, BE IT RESOLVED* by the Mayor and Council of the Borough of Clayton as follows:

1. That the offer made by KENNY PATEL for the purchase of land above described, which is not needed for public purposes, be and hereby is approved and confirmed, said land described as Block 905, Lot 12, on the Tax Map of the Borough of Clayton, for the sum of Three Hundred Thousand Dollars (\$300,000.00), plus legal and advertising expenses, together with expenses incident to the sale to be paid upon delivery of the deed and subject to the existing zoning ordinance of the Borough of Clayton.
2. That the proper officials be and hereby are authorized to execute and deliver a good and sufficient deed conveying said land to KENNY PATEL upon payment of the purchase price and upon compliance by said purchasers with all terms and conditions of sale.
3. That the property shall be sold under and subject to any and all municipal easements.

4. That said land is being sold on condition that all legal, engineering and advertising expenses be paid by the purchaser and subject to all existing zoning ordinances of the Borough of Clayton.
5. If the parties fail to enter into an Agreement of Sale within 30 days of the date of the adoption of the Resolution Confirming the Sale, then the highest bidder shall be in default of the terms of the sale of the land, as a result of which, the highest bidder's 10% deposit shall be returned and the sale shall be declared null and void.
6. The property is sold in as-is condition.
7. The property is sold subject to applicant obtaining a use variance for development of the site, if required. If the necessary use variance is not obtained, then the sale shall be declared null and void and the deposit will be returned.
8. The successful bidder shall have sixty (60) days to complete a "Due Diligence" inquiry of the property. The successful bidder shall have the absolute right to cancel the sale for any reason during the due diligence period by written notice to the Borough.
9. The settlement is subject to the highest bidder obtaining preliminary major site plan approval from the Clayton Planning Board for the development of the subject property.
10. The Borough will provide the successful bidder with a copy of the NFA received from the NJDEP on this property.
11. Settlement shall occur within six (6) months of the execution of the Agreement of Sale with a three (3) month extension, if needed by the highest bidder, but at Seller's sole discretion.

**ADOPTED** at a meeting of the Mayor and Council of the Borough of Clayton in the County of Gloucester and State of New Jersey on Thursday, February 9, 2012.

BOROUGH OF CLAYTON

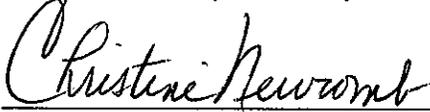
  
TONY SABAN, Council President

Attest:

  
CHRISTINE NEWCOMB, Municipal Clerk

**CERTIFICATION**

I, Christine Newcomb, Municipal Clerk, of the Borough of Clayton, in the County of Gloucester, and State of New Jersey do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Clayton held on Thursday, February 9, 2012.

  
CHRISTINE NEWCOMB  
Municipal Clerk