

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 13-253

**RESOLUTION AUTHORIZING THE ACQUISITION  
OF PROPERTY LOCATED AT 1 BERRY STREET, BLOCK  
76, LOT 1.01, IN LIEU OF THE ENFORCEMENT OF TAX LIEN**

Mr. Zipprich offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank (the "Borough") has acquired a lien on property located at 1 Berry Street, Block 76, Lot 1.01 (the "Property"), within the Borough due to unpaid property taxes and other municipal charges; and

**WHEREAS**, the Property is small 32 x 50 parcel with no improvements thereon; and

**WHEREAS**, the owner of the Property has offered to transfer the Property to the Borough for the sum of \$1.00 by way of quit claim deed in lieu of the enforcement of the Borough's lien; and

**WHEREAS**, in order to enforce the lien, the Borough would be required to institute an *in rem* foreclosure proceeding, which proceeding would cause the Borough to incur attorneys' fees and other expenses associated therewith; and

**WHEREAS**, the value of the Property would not justify the costs and expenses of an *in rem* proceeding to acquire the property or satisfy the tax lien; and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-8, a municipality may purchase or otherwise acquire real property on which it has a lien or claim without the necessity of taking or completing the necessary court proceedings to enforce the lien or to obtain satisfaction for its interest in the property, provided that the cost of the acquisition not exceed the approximate amount of the cost ordinarily incidental to the enforcement of the lien; and

**WHEREAS**, in the case of a tax lien, the consideration to be paid for the acquisition of the property shall be such amount as may be agreed between the Governing Body and the Director of the Division of Taxation; and

**WHEREAS**, it would be in the best interests of the Borough to acquire the Property by acquisition in lieu of the enforcement of the lien, with the intent to sell the property after acquisition to a contiguous property owner in accordance with N.J.S.A. 40A:12-13(b)(5).

**NOW THEREFORE BE IT RESOLVED** that the Council of the Borough of Red Bank hereby authorizes the acquisition of the Property pursuant to N.J.S.A. 40A:12-8 by quit claim deed for the amount of \$1.00, subject to the agreement of the Director of the Division of Taxation for the acquisition on said terms; and

**BE IT FURTHER RESOLVED** by the Council of the Borough of Red Bank that the Borough's Tax Collector and Borough Attorney are hereby authorized to take such action as is necessary to obtain the Director's approval and to effectuate the acquisition of the Property.

Seconded by Mr. Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	( x )	( )	( )	( )
Mr. Zipprich	( x )	( )	( )	( )
Mr. DuPont	( )	( )	( )	( x )
Ms. Horgan	( x )	( )	( )	( )
Ms. Lee	( x )	( )	( )	( )
Mr. Murphy	( x )	( )	( )	( )

Dated: November 25, 2013