**BOROUGH OF BAY HEAD**

**ORDINANCE 2023-13**

**ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF TITLE OF 140 MEADOW AVENUE (LIBRARY) ALSO KNOWN AS BLOCK 44, LOT 5 ON THE TAX MAP OF THE BOROUGH OF BAY HEAD TO BAY HEAD BOARD OF EDUCATION PURSUANT TO N.J.S.A. 40A:12-13(b)(1) AND N.J.S.A. 40A:12-19.**

 **WHEREAS,** the Borough is the owner of property located at 140 Meadow Avenue, Bay

Head, also known as Block 44, Lot 5, on the Tax Map of the Borough of Bay Head; and

 **WHEREAS,** pursuant to N.J.S.A. 40A:12-13(b)(1) a sale by a municipality may be made

to any political subdivision, agency, department, commission, board or body corporate and

politic of the State of New Jersey by private sale; and

 **WHEREAS,** pursuant to N.J.S.A. 40A:12-19, if the governing body of a municipality

shall determine that all or any part of a tract of land improved or unimproved is no longer

needed for public purposes, the governing body may authorize the conveyance of such lands or

any portion thereof to any board of education in the municipality for a nominal consideration;

and

 **WHEREAS,** the Borough desires to transfer title for nominal consideration of 140 Meadow Avenue (Library), also known as Block 44, Lot 5, in the Borough of Bay Head to Bay

Head Board of Education.

 **NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Borough of Bay Head, County of Ocean, State of New Bay Head, as follows:

 **SECTION 1.** That the governing body, as owner of 140 Meadow Avenue, also known as Block 44, Lot 5, in the Borough of Bay Head, authorizes the conveyance of title to Bay Head Board of Education pursuant to N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 40A:12-

19 for nominal consideration.

 **SECTION 2.** That the governing body hereby further authorizes execution of any and all documentation necessary to transfer title to the property at 140 Meadow Avenue, also known as Block 44, Lot 5, in the Borough of Bay Head to Bay Head Board of Education for nominal consideration, and the Mayor is hereby authorized to execute and the Borough Clerk to attest to any such documentation.

 **SECTION 3.** That the Borough Attorney is authorized to prepare any and all necessary documentation to effectuate the transfer of title of 140 Meadow Avenue, also known as Block 44, Lot 5, in the Borough of Bay Head to the Bay Head Board of Education.

 **SECTION 4.** That a copy of this ordinance shall be forwarded to the Borough Administrator, Borough Attorney, Bay Head Board of Education and the Director, Local Government Services, State, Department of Community Affairs.

 **SECTION 5**. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

 **SECTION 6.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

 **SECTION 7.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the October 2, 2023, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the November 6, 2023 at 7:00 p.m. at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

**NOTICE OF ADOPTION**

**PUBLIC NOTICE IS HEREBY GIVEN** that the foregoing ordinance published herewith has been finally adopted by the Borough Council of the Borough of Bay Head, in the County of Ocean, New Jersey on November 6, 2023.

**ATTEST: APPROVED:**

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**Antoinette Jones, Deputy Municipal Clerk William W. Curtis, Mayor**