

**BOROUGH OF BERNARDSVILLE
NOTICE OF PUBLIC AUCTION**

**SALE OF A PORTION OF PROPERTY LOCATED AT 271 MINE BROOK ROAD
(INCLUDING EXISTING RESIDENCE)**

NOTICE is hereby given that a portion of property located at 271 Mine Brook Road, also known as Block 81, Lot 6 on the Borough Tax Maps, will be sold by public sale at auction to the highest bidder on Thursday, December 17, 2020 2:00 p.m. prevailing time. Because of the COVID-19 pandemic, the auction will be held via Zoom. Instructions for participating in the auction will be posted on the Borough website prior to the date of the auction.

The property to be sold will be known as Lot 6.01 in Block 81. It is 8.68 acres and includes the main dwelling.

Specifications and bid forms are on file and are accessible via the Borough website at www.bernardsvilleboro.org. If you are unable to view these documents online, please contact Borough Clerk Anthony Suriano at 908-766-3000 ext. 115 or via email at asuriano@bernardsvilleboro.org to make an appointment to view hard copies of the bid documents. Specifications and bid forms may also be obtained from Chuck Hendershot or Sean Kelly at Feel@Home Realty at 908-280-0115.

The Borough is not setting a minimum bid; however, it reserves the right to reject all bids. Bidders shall make payment as follows

- A. Twenty-five Thousand (\$25,000) Dollars payable before the start of the public auction. This check should be hand-delivered or sent by overnight mail or delivery service so that is received by the Borough Clerk Anthony Suriano before the start of the public auction. Any deposit received after the start of the public auction will be returned. Unsuccessful bidders' deposits will be returned after a contract is awarded to the successful bidder.

B. Ten (10%) percent of the purchase price (less the amount paid prior to the auction pursuant to paragraph A above) within 24 hours of the conclusion of the auction.

C. The balance of the purchase price at the closing of title and delivery of deed.

All payments described in paragraphs A, B and C shall be in the form of cash or certified check.

The existing residence and accessory structures are being sold “as is” and the purchasers shall be subject to all zoning and land use ordinances and regulations of the Borough of Bernardsville. The contract shall contain no contingencies. The Borough intends to reserve an access easement in the form of a common driveway leading to both the portion of the property being sold and the portion of the property being retained by the Borough as open space

The governing body has provided for the payment of a commission to Feel@Home Realty in accordance with *N.J.S.A.* 40A:12-13(c). The Borough shall not be responsible for the payment of any commissions to any other person or entity.

The Borough reserves the right to reject any and all bids and to waive informalities as the interests of the Borough may require. Award of the bid shall be subject to formal approval by the governing body by resolution. Formal acceptance or rejection of the bid shall be made not later than at the second regular meeting of the governing body following the completion of the auction.

/s/ Anthony Suriano, Clerk

**BOROUGH OF BERNARDSVILLE
INSTRUCTIONS TO BIDDERS**

SALE OF 271 MINE BROOK ROAD (INCLUDING EXISTING RESIDENCE)

1. The property located at 271 Mine Brook Road, also known as Block 81, Lot 6.01 on the Borough Tax Maps, will be sold by public sale at auction to the highest bidder on Thursday, December 17, 2020 2:00 p.m. prevailing time. Because of the COVID-19 pandemic, the auction will be held via Zoom. Instructions for participating in the auction will be posted on the Borough website prior to the date of the auction. The property consists of the existing residence and an 8.634-acre parcel.
2. Specifications. The existing residence is a colonial style manor house that dates back to 1765 with more recent additions and renovations in 1978. The dwelling is two and one-half stories high and has a live-in area of approximately 9,410 square feet. Additional on-site improvements include a well house, a gazebo, a stone tower that acts as a waterfall and professional landscaped areas. The property is offered for sale under the following terms and conditions:
 - A. The Borough is not setting a minimum bid, however, it reserves the right to reject all bids. Bidders shall make payment as follows
 1. Twenty-five Thousand (\$25,000) Dollars payable before the start of the public auction. This check should be hand-delivered or sent by overnight mail or delivery service so that is received by the Borough Clerk Anthony Suriano before the start of the public auction. Any deposit received after the start of the public auction will be returned. Unsuccessful bidders'

deposits will be returned after a contract is awarded to the successful bidder.

2. Ten (10%) percent of the purchase price (less the amount paid prior to the auction pursuant to paragraph A above) within 24 hours of the conclusion of the auction.
3. The balance of the purchase price at the closing of title and delivery of deed.

All payments described in paragraphs A, B and C shall be in the form of cash or certified check.

- B. The contract will not contain any contingencies.
- C. The building is being sold “as is” and the Purchaser shall be subject to all zoning and land use ordinances and regulations of the Borough of Bernardsville, all requirements of the Uniform Construction Code and Uniform Fire Code and all other applicable statutes, ordinances and regulations.
- D. The Borough intends to reserve a common access driveway easement in the vicinity of the existing driveway to provide access to both the parcel being sold and the parcel being retained by the Borough, which will be used for recreation and open space.
- E. The Borough has entered into a contract with Feel@Home Realty to market the property. The Borough will be responsible for Feel@Home Realty’s commission in accordance with that agreement. The Borough will not be responsible for any other commissions. Except to the extent that another broker was identified prior to the public auction as the procuring broker, the successful bidder shall represent

and warrant to the Borough that Feel@Home Realty was the sole broker with whom the successful bidder had negotiated in bringing about the sales agreement and the successful bidder shall agree to indemnify and hold Borough harmless from any and all claims of other brokers arising out of or in connection with the negotiation of or the entering into of this sales agreement between Borough and the successful bidder, if such broker claims that he acted through or on behalf of the successful bidder. Any procuring broker identified prior to the public auction will be compensated only as set forth in the Extraordinary Unspecifiable Services Agreement between the Borough and Feel@Home Realty.

- F. The successful bidder must sign the sales contract within 24 hours of the bid opening. The contract will be contingent upon the Borough's counsel authorizing execution of the contract by formal resolution within 60 days following the bid opening.
- 3. The Borough reserves the right in the exercise of its sole discretion to reject any and all bids whenever the governing body determines that the rejection of the bid or bids is in the best interest of the Borough.
- 4. The successful bidder(s) must submit the enclosed bidder's affidavit at the conclusion of the auction.
- 5. No bid may be withdrawn, altered or otherwise modified after it has been made.
- 6. No interpretation of the meaning of the instructions to bidders, specifications or any other contract document will be made to any bidder. Supplemental instructions, if any, will be made in the form of written addenda to the specifications or will be announced at the auction.

7. Formal acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the completion of the auction which meeting is scheduled for January 4, 2021. If the governing body does not accept the highest bid, or reject all bids, all bids will be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one week without readvertising.
8. The form of the proposed purchase agreement is attached hereto and incorporated herein by reference.
9. The enclosed disclosure statement setting forth the names and addresses of all stockholders or principals in the corporation or partnership who own ten (10%) percent or more of its stock, of any class or of all individual partners in the partnership who own a ten (10%) percent or greater interest therein as the case may be must be included with the bid. If one or more stockholder or partner is itself a corporation or partnership, the stockholders holding ten (10%) percent or more of that corporation's stock, or the individual partners owning ten (10%) percent or greater interest in that partnership, as the case may be, shall also be listed. Failure to comply with these disclosure requirements will result in the rejection of the bid.
10. Nonperformance by the successful bidder to execute the purchase agreement within twenty-four (24) hours after the auction may result in the bidder's ten (10%) percent deposit being forfeited to the Borough as liquidated damages and not as a penalty. In addition, nonperformance by the successful bidder after formal acceptance by the governing body and execution of the contract by the Borough may result in the bidder's

entire ten (10%) deposit being forfeited to the Borough as liquidated damages and not as a penalty.

11. The Borough had a Green Acres preliminary environmental assessment performed in connection with its purchase of the entire parcel and the results of that assessment are set forth in a January 6, 2020 report prepared by Boucher & James, Inc. Copies of that report are available in the office of the Borough Clerk.
12. The successful bidder must submit prior to formal award such information as to its financial responsibility and standing as the Borough may reasonably require to assure that the successful bidder will be able to close on the property.
13. All terms and conditions set forth in the notice to bidders, draft sales agreement, and other bid documents are incorporated herein by reference.