



Legislation Details (With Text)

File #: 23-0843 **Version:** 1 **Name:** In Rem Re-Foreclosure of Properties
Type: Resolution **Status:** Adopted
File created: 5/24/2023 **In control:** Economic and Housing Development
On agenda: 9/7/2023 **Final action:** 9/7/2023

Title: Dept./ Agency: Economic and Housing Development
Action: () Ratifying (X) Authorizing () Amending
Purpose: In Rem Re-Foreclosure of various properties.
List of Property:
(Address/Block/Lot/Ward)
Please see attachment Exhibit A.
Additional Information:
Resolution authorizing the Corporation Counsel to re-foreclose ten (10) properties identified on Exhibit A list, by Summary Proceedings, In Rem as provided by In Rem Tax Foreclosure Act (1948), N.J.S.A. 54:5-104.72, 73.

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------|--------------------|--------|
| 9/7/2023 | 1 | Municipal Council | Adopted as Amended | Pass |
| 9/7/2023 | 1 | Municipal Council | Amend | Pass |

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WHEREAS, the City of Newark (the “City”) is desirous of re-foreclosing several tax sale certificates it held in various In Rem Proceedings; and

WHEREAS, the City initiated various In Rem Complaints and obtained Final Judgements foreclosing on the land and or premise situated in the City of Newark as shown on the Tax Re-foreclosure List annexed hereto and made a part hereof; and

WHEREAS, pursuant to N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71, as amended, and pursuant to N.J.S.A. 54:5-104.72, the City has determined to re-foreclose In Rem, for the purpose of correcting and overcoming any irregularities in the prior foreclosure proceedings, the Tax Sale Certificates particularly mentioned and described in the Tax Re-foreclosure list annexed hereto and

made a part thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. It is hereby determined that the City of Newark is authorized to re-foreclose by summary proceedings, In Rem, as provided by In Rem Tax Foreclosure Act (1948), N.J.S.A. 54:5-104.72, et seq., and the law amendatory thereof and supplementary thereto, properties owned by it, in order to fulfill the notice provision as required by Menonite Board of Missions v. Richard C. Adams, 462 U.S. 791 (1983), and to obtain marketable title for the sale of same.
2. The Corporation Counsel is hereby delegated and authorized to re-foreclose ten (10) properties set forth on the attached Exhibit A, by summary proceedings, In Rem, as provided by In Rem Tax Foreclosure Act (1948), N.J.S.A. 54:5-104.72, 73.
3. It is further determined that the Corporation Counsel shall have the authority to change the schedule/claim numbers on the attached Exhibit A, if necessary, prior to the filing of the In Rem Tax Foreclosure Complaint.

STATEMENT

This Resolution authorizes the City's Corporation Counsel to re-foreclose on ten (10) properties, identified in Exhibit A attached, by summary proceedings, In Rem, as provided by the In Rem Tax Foreclosure Act of 1948, N.J.S.A. 54:5-104.72, 73.