

**RESOLUTION No. 177 of 2014**  
**REGARDING CITY OF MARGATE CITY INSTITUTING LEGAL**  
**PROCEEDINGS TO PREVENT THE IMPLEMENTATION OF THE**  
**ABSECON ISLAND, NJ SHORE PROTECTION PROJECT IN MARGATE**  
**FOR VOTER APPROVAL ON THE NOVEMBER 4, 2014 GENERAL**  
**ELECTION BALLOT**

**WHEREAS**, the City of Margate City Board of Commissioners have been advised by the State of New Jersey that the State of New Jersey will, with or without the cooperation of the City of Margate City, implement a Shore Protection Project for Absecon Island which will include the City of Margate City; and

**WHEREAS**, the electorate of the City of Margate City voted on a non-binding question on the November 5, 2013 General Election ballot to advise the Governing Body of the City of Margate City to not enter into a cooperative agreement to implement the aforesaid Shore Protection Project; and

**WHEREAS**, the NJ Attorney General's Office has advised the City of Margate City that the State of New Jersey will proceed to implement a partial taking of the beaches in Margate and construct a shore protection project in conjunction with the Army Corps of Engineers which will include the placement of sand dunes along the beach of Margate; and

**WHEREAS**, this ballot question and the determination by the voters shall be advisory in nature and **non-binding** on the Margate Board of Commissioners.

**NOW, THEREFORE BE IT RESOLVED**, that the City of Margate City Board of Commissioners hereby requests that the Atlantic County Clerk place the following non-binding question on the November 4, 2014 General Election Ballot:

“Shall the City of Margate City institute legal proceedings to prohibit the State of New Jersey from implementing a Shore Protection Project in the City of Margate City which will include beach nourishment and the construction of sand dunes on the public beaches of Margate.”

**BE IT FURTHER RESOLVED** that the following interpretive statement concerning the above question be placed on the November 4, 2014 General Election Ballot for the City of Margate City:

“This question, if approved by the Voters, will give direction and advice to the Margate City Board of Commissioners to engage outside counsel for the purpose of instituting legal proceedings so as to stop the State of New Jersey from constructing sand dunes within the City of Margate City. It has been estimated to cost \$200,000 for legal fees plus additional costs for technical reports and testimony.”

This Resolution shall take effect immediately upon adoption and shall be transmitted forthwith to the Atlantic County Clerk's Office.

Date: August 13, 2014

**I, THOMAS HILTNER**, Municipal Clerk for the City of Margate City, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the City of Margate City Board of Commissioners held this 13th day of August 2014 and in witness whereof I have hereunder set my hand and official seal on this date of August 2014.

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Thomas D. Hiltner, City Clerk