

**ORDINANCE #02 - 2013**

**AN ORDINANCE AMENDING AND SUPPLEMENTING STREET VACATION ORDINANCE NO. 509 OF 1954, PEMBROKE AVENUE, MARGATE, NEW JERSEY**

**BE IT ORDAINED** by the Board of Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

**WHEREAS**, Ordinance No. 509 final reading September 30, 1954 was adopted so as to vacate a portion of Pembroke Avenue in the City of Margate City, County of Atlantic and State of New Jersey and for which said vacation was conditioned upon the right of the City of Margate City and its successors to install and maintain underground storm drainage and potable water drainage systems under said premises with the rights of ingress and egress for the purpose of constructing or repairing and maintaining the same with said vacation being conditioned upon no buildings to be erected in said vacated street area; and

**WHEREAS**, the adjoining owner of Lot 13 of Block 718 of said land commonly known as 8701 Fulton Avenue has requested that the condition prohibiting any building to be erected in said vacated street area be modified so as to allow the construction of a portion of a building in a portion of the vacated area; and

**WHEREAS**, the Board of Commissioners have determined that a former single family home located at 8701 Fulton Avenue now recently demolished previously encroached on a portion of the vacated area to an extent of 8 feet; and

**WHEREAS**, the Board of Commissioners have determined to modify the vacant area so as to allow a building on a portion of said restricted area;

**NOW THEREFORE** Be it ordained by the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey as follows:

**SECTION 1.** Ordinance No. 509 is hereby amended so as to provide that a portion of the previously vacated Pembroke Avenue may be permitted to have a portion of a building constructed to the extent of 10 feet into the westerly most portion and 10 feet to the most easterly portion of the aforesaid vacated street area.

**SECTION 2:** It is the intent of this Ordinance to maintain the center most portion of said vacated Pembroke Avenue street area to the extent of 30 feet in width, 15 feet of each adjoining lot so that the City of Margate City and its successors may continue to install and maintain underground storm drainage and potable drainage systems under said premises with the rights of ingress and egress for the purpose of constructing, repairing or maintaining the same. This amendment of vacation Ordinance is adopted on the express condition that the centermost portion of the area being 30 feet in width has no building erected in said area.

**SECTION 3:** This Ordinance shall take effect upon its final passage and publication as required by law.

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Board of Commissioners of the City of Margate City, New Jersey

Intro: 1-17-13

Adoption: \_\_\_\_\_