

ORDINANCE NO. 22 – 2013

AN ORDINANCE TO AUTHORIZE A PRIVATE SALE OF A PORTION OF REAL PROPERTY KNOWN AS BLOCK 19 LOT 9 ON THE TAX MAP OF THE CITY OF MARGATE TO THE CONTIGUOUS OWNER THERETO PURSUANT TO N.J.S.A. 40A:12-13.2

WHEREAS, the City of Margate owns a certain tract or parcel of land known as Block 19, Lot 9 on the official tax map of the City of Margate; and

WHEREAS, a certain portion of Block 19, Lot 9 contiguous to Block 19, Lot 17 and having irregular dimensions of approximately 7.5 feet by 80 feet is not needed for public use (hereinafter the “Property”); and

WHEREAS, Steven Goldberg and Heidi Goldberg (hereinafter the “Contiguous Landowners”) are the owners of lands contiguous to the Property known as Block 19, Lot 17 as shown on the official tax map of the City of Margate and being commonly known as 114 S. Rumson Avenue; and

WHEREAS, Contiguous Landowners desire to purchase a portion of the Property consisting of approximately 7.5 feet by 80 feet (being a total of 620 sq. feet) landward of an existing bulkhead facing the public beach area of the City of Margate and have offered to reconstruct approximately 229 linear feet of timber bulkhead fronting the parcel and the southwest side and street end of Rumson Avenue (excluding stairs and accessible openings), with said construction to be in accordance with the specifications and approval of the City Engineer; and

WHEREAS, a portion of the Property is without any capital improvements thereon (the existing bulkhead is in disrepair and in need of replacement) and is less than the minimum size required for development under the municipal zoning ordinance; and

WHEREAS, in the judgment of the Board of Commissioners of the City of Margate said land is of no further use for public purpose and is not needed for public use and should be disposed of in accordance with *N.J.S.A. 40A:12-13.2* by sale to the contiguous landowner upon the terms and conditions hereinafter set forth.

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

SECTION 1. There is hereby authorized for private sale to the Contiguous Landowners, Steven and Heidi Goldberg, pursuant to the provisions of *N.J.S.A. 40A:12-13*, a portion of Block 19, Lot 9 described in the legal description described in a Land Acquisition Plan and legal description attached hereto as “Exhibit A” and made a part hereof, constituting a strip of land approximately 7.5 feet by 80 feet, and containing a total of 620 sq. feet, together with all appurtenant rights and privileges. The Property to be conveyed shall be subdivided from the remainder of Lot 9 in Block 19 by the City prior to conveyance.

SECTION 2: The consideration for this sale shall be the construction of approximately 229 linear feet of replacement bulkhead in the same location as an existing deteriorated bulkhead fronting both the subject parcel and then extending along the Rumson Avenue street perpendicular to the ocean and including the street end of Rumson Avenue (excluding stairs and accessible openings).

SECTION 3: The cost estimate of construction of the bulkhead as provided by the Office of the City Engineer dated October 17, 2013, is a total estimated project cost, including contingencies, engineer and inspection fees, to be in the amount of \$337,800.00, which sum exceeds the fair market value of the property.

SECTION 4: A contract with the Contiguous Landowners containing the terms herein and as provided by the City Solicitor, is hereby authorized and shall be executed by the

Mayor of the City of Margate and the Contiguous Property Owners incorporating all essential terms and conditions of the conveyance.

SECTION 5: The Mayor of the City of Margate shall execute and deliver to the City Solicitor, a Bargain and Sale Deed with Covenants Against Grantor's Acts, in proper form for recording in accordance with the laws of the State of New Jersey, conveying the Property together with appropriate Affidavit of Title, which deed is to be held in escrow by the City Solicitor pending completion of the bulkhead and approval of all construction by the City Engineer. Construction shall be performed no later than twelve (12) months from the passage of this Ordinance.

SECTION 6: Settlement on conveyance of the Property shall occur at the Margate City Hall or such other place as agreed to by the parties.

SECTION 7: All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 8: This ordinance shall take effect upon its final passage and publication as required by law.

SECTION 9: Terms and Conditions of Sale. It is acknowledged and understood as to specific terms and conditions, that an easement allowing any Shore Protection Project oceanward of the bulkhead, shall be authorized

Mayor Michael Becker

Commissioner Brenda Taube

Commissioner Maury Blumberg
Board of Commissioners of the City of Margate City, New Jersey

Introduction: November 7, 2013

Enactment: November 21, 2013