

ORDINANCE NO. 01– 2020

**AN ORDINANCE PROVIDING FOR THE VACATION OF A
PORTION OF UNION AVENUE SUBJECT TO COMPLIANCE
WITH CONDITIONS BY THE ADJOINING PROPERTY OWNER**

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, Thurlow Union, LLC (hereinafter “Thurlow Union”), currently owns property identified as 514 North Union Avenue, Block 721, Lot 1 , and 518 Union LLC (hereinafter “518 Union”) currently owns property identified as 518 North Union Avenue, Block 623, Lots 7 and 7.01,; and

WHEREAS, Thurlow Union and 518 Union have requested a partial vacation of the Union Avenue street end as more fully detailed hereafter; and

WHEREAS, Union Point LLC, is the owner of the 522 North Union Avenue, Block 623, Lot 3 and 3.01, (hereinafter “Union Point) and has consented to the partial vacation of Union Avenue as hereinafter detailed; and

WHEREAS, Thurlow Union and 518 Union seek to construct a cul-de-sac and new storm drain facility including a storm drain easement across Block 623, Lot 7 and Lot 7.01, at their sole cost and expense, to which the City of Margate City (hereinafter “City”) is desirous of implementing; and

WHEREAS, Thurlow Union and 518 Union and the City are desirous of vacating a portion of Union Avenue conditioned upon various improvements to be constructed at the cost of Thurlow Union and 518 Union and the dedication of a portion of lands currently being a portion of Lot 1 of Block 721 so as to construct a cul-de-sac at the end of Union Avenue and perfect a cul-de-sac at the end of Thurlow Avenue as shown on a Plan of Minor Subdivision, which Plan is attached hereto and made a part hereof as Exhibit A, and as may be modified by Thurlow Avenue street improvements currently being undertaken by the City of Margate; and

WHEREAS, the Board of Commissioners of Margate have determined that said request for a partial vacation of Union Avenue is reasonable and necessary and a benefit to the public good and to facilitate the reconstruction of the Union Avenue street end with a cul-de-sac and new storm drainage system and the dedication of lands both for the Union Avenue and Thurlow Avenue cul-de-sac street ends.

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.

1. It is the intent of this Ordinance that a portion of Union Avenue being described hereafter be vacated.
2. The area to be vacated is described as follows:

All that certain lot, tract or parcel of land and premises situate, lying, and being in the City of Margate, County of Atlantic, and State of New Jersey, bounded and described as follows:

Beginning at a point in the northwesterly line of Union Avenue (50' wide) said point being 925.00 feet north of the northerly line of Fremont Avenue (50 ft. wide) and extending thence

- (1) South 53° 33' 00" West perpendicular to said line of Union Avenue, a distance of 50.00 ft. to a point in the southwesterly line of Union Avenue, said point being the division lien between Lot 3 and Lot 7 in Block 623; thence
- (2) North 36° 27' 00" West in and along the southwesterly line of union Avenue, a distance of 53.80 ft. to a point in the terminus of Union Avenue right-of-way, formerly vacated under instrument number 3045298; thence
- (3) North 53° 33' 00" East in and along said line a distance of 50.00 ft. to a point in the northeasterly line of Union Avenue; thence
- (4) South 36° 27' 00" East in and along said line of Union Avenue, a distance of 53.80 ft. to the point and place of beginning.

COMMONLY known as a portion of Union Avenue right-of-way to be vacated.

Containing 2,960 sq. feet.

3. The street area vacated will be equally divided and merged with adjoining lands constituting Block 623, Lot 3 to the west and proposed Block 721, Lot 1.01 (subject to subdivision approval) to the east. It is acknowledged that Lot 3 together with Lot 3.01 and including the vacated area meets and otherwise satisfies the minimum lot width requirement of 50' and, as with proposed Lot 1.01 of Block 721, will have frontage on that portion of Union Avenue being a part of the cul-de-sac and as more fully detailed on the attached Plan of Minor Subdivision attached hereto.

SECTION 2. Conditions precedent to this Ordinance of Vacation taking effect are as follows:

A. That Thurlow Union receive approval of a minor subdivision as detailed on the Plan of Minor Subdivision, a copy of which is attached hereto and made a part hereof,

prepared by Arthur W. Ponzio Associates & Company, Inc. dated 10/9/19 and as may be modified during the subdivision process.

B. Dedication to the City of those areas shown on the Plan of Minor Subdivision for use as public street areas and specifically as portions of the cul-de-sacs shown on said subdivision plan for both the Union Avenue street end and the Thurlow Avenue street end.

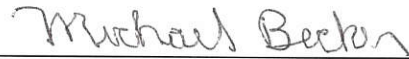
C. Designs by Thurlow Union of the cul-de-sac areas, storm water drainage system as shown on the Plan of Minor Subdivision or such other design the City may require, and, if determined by the City at City's sole discretion, any and all other improvements including, but not limited to, utility lines, sanitary sewer and/or water mains, fire hydrant, or other such improvements the City may deem necessary resulting from the vacation authorized herein, all of which Thurlow Union will have sole financial responsibility to construct. All designs shall be approved by the City at its sole discretion and secured by appropriate bonding. All permitting and costs shall also be the responsibility of Thurlow Union.

D. Dedication by 518 Union and Union Point to the City of an easement for storm drainage as shown on the Plan of Minor Subdivision.

SECTION 3. Following satisfaction of such conditions precedent, the City agrees to provide (i) a confirmatory Deed or other recordable document confirming the satisfaction of conditions herein specified; and (ii) a Certificate of Land Use Compliance or Zoning Permit issued by the City Zoning Officer to Union Point providing that Block 623, Lots 3 and 3.01 comply with the City Zoning Ordinance with regard to lot width and frontage requirements.

SECTION 4. That all Ordinances or parts of Ordinances inconsistent with the provisions hereof, be and same are hereby repealed and that this Ordinance shall take effect immediately after final passage and publication.

SECTION 5. This ordinance shall take effect upon its final passage and publication as required by law.



Michael Becker, Mayor



John Amodeo, Commissioner



Maury Blumberg, Commissioner

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

Introduction: February 6, 2020

Enactment: February 20, 2020