

ORDINANCE #15 – 2016

**AN ORDINANCE TO AUTHORIZE A PRIVATE SALE OF A PORTION OF
REAL PROPERTY KNOWN AS BLOCK 18 LOT 18 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 18, Lot 18 on the official tax map of the City of Margate; and

WHEREAS, a certain portion of Block 18, Lot 18 contiguous to Block 18, Lot 9 and having dimensions of approximately 6.5 feet by 68 feet and containing 442 sq. feet which property is not needed for public use (hereinafter the “Property”); and

WHEREAS, Atlantic Downbeach Associates, LLC (hereinafter “Atlantic” and hereafter referred to as “Contiguous Landowner”) is the owner of lands contiguous to the Property known as Block 18, Lot 18 as shown on the official tax map of the City of Margate and being commonly known as 115 South Rumson Avenue; and

WHEREAS, Contiguous Landowners desire to purchase a portion of the Property consisting of 6.5 feet by 68 feet (being a total of 442 sq. feet) landward of the existing bulkhead facing the public beach area of the City of Margate and have offered to reconstruct approximately 68 linear feet of timber bulkhead fronting the parcel and as indicated on the Land Acquisition Plan, a copy of which is attached hereto and made a part hereof, 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, Contiguous Landowners in addition to paying all costs associated with the construction of a new bulkhead, will also pay the sum of TWENTY THOUSAND (\$20,000.00) DOLLARS to the City of Margate City; 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, Atlantic Downbeach Associates, LLC, pursuant to the provisions of *N.J.S.A. 40A:12-13*, a portion of Block 18, Lot 18 described in the legal description in a Land Acquisition Plan and legal description attached hereto as “Exhibit A” and made a part hereof, constituting a strip of land 6.5 feet by 68 feet, and containing a total of 442sq. feet, together with all appurtenant rights and privileges. The property to be conveyed shall be subdivided from the remainder of Lot 18, Block 18 by the City prior to conveyance.

SECTION 2: The consideration for this sale shall be the construction of approximately 68 linear feet of replacement bulkhead in the same location as an existing deteriorated bulkhead fronting the parcel.

SECTION 3: The cost estimate of construction of the bulkhead as provided by the Office of the City Engineer is \$1,475 per linear foot for a total estimated cost of \$100,300.00, which together

with \$20,000.00 amounts to \$120,300.00 which sum meets or exceeds the fair market value of the property.

SECTION 4: A contract with the Contiguous Landowner 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 Owner 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.

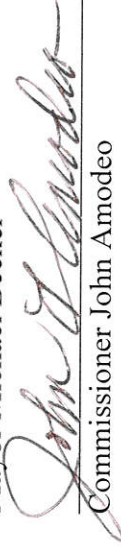
SECTION 7: All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

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 John Amodeo



Commissioner Maury Blumberg

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

Introduction: June 2, 2016
Enactment: June 16, 2016

EXHIBIT 'A'