

**ORDINANCE #21- 2018**

**AN ORDINANCE TO AUTHORIZE A PRIVATE SALE OF REAL PROPERTY  
KNOWN AS A PORTION OF BLOCK 528 LOT 2.03 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 City owns a certain tract or parcel of land known as Block 528, Lot 2.03 as shown on the official tax map of the City of Margate City; and

**WHEREAS**, a certain portion of Block 528, Lot 2.03 contiguous to Block 528, Lots 1, 1.01, 2, 2.01, 3, and 3.01 and having dimensions of 70 feet by 25 feet and containing 1,750sq. feet which property is not needed for public use (hereinafter the "Property"); and

**WHEREAS**, Barbary Coast Marina, LLC (hereinafter "Barbary Coast" and hereafter referred to as "Contiguous Landowner") is the owner of lands contiguous to the Property known as Block 528, portion of Lot 2.03 as shown on the official tax map of the City of Margate City and being commonly known as 9401Amherst Avenue; and

**WHEREAS**, Contiguous Landowner desires to purchase a portion of the Property consisting of 70feet by 25feet (being a total of 1,750 sq. feet) landward of an existing bulkhead and said Contiguous Landowner has previously received zoning approval from the Margate Planning Board which approval is memorialized in the Decision and Resolution 21-2018 which approval specifies, among other things, that the Applicant shall reconstruct 175 feet of linear bulkhead and will extend a public pedestrian promenade or walkway along the waterfront which area will be maintained by Contiguous Land Owner or his successors in interest; and

**WHEREAS**, Contiguous Landowner will pay all costs of bulkhead improvement and other site improvements as required by the Margate City Planning Board approval, Resolution #21-2018 along the waterfront area of Contiguous Landowners property; 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, Barbary Coast, LLC, pursuant to the provisions of N.J.S.A. 40A:12-13, a portion of Block 528, Lot 2.03 described in the legal description in a Land Conveyance Plan and legal description attached hereto as "Exhibit A" and made a part hereof, constituting a strip of land 70 feet by 25 feet, and containing a total of 1,750sq. feet, together with all appurtenant rights and privileges. The property to be conveyed shall be subdivided from the remainder of Lot 528, Block 2.03 \_\_\_\_\_ by the City prior to conveyance.

**SECTION 2:** The consideration for this sale shall be the construction of approximately 175 linear feet of replacement bulkhead as approved by the City Engineer within 24" waterward of the existing deteriorated bulkhead fronting the parcel.

**SECTION 3:** The cost estimate of construction including 175' of bulkhead, demolition, asphalt, concrete and miscellaneous expenses of public improvements is attached hereto as Exhibit B and amounts to a total \$443,681.70 which meets or exceeds the fair market value of the property.

**SECTION 4.** The public shall have access along the waterfront in the subject parcel which area is referred to as the public pedestrian promenade or walkway along the waterfront and shall be maintained by Contiguous Landowners or its successors in interest.

**SECTION 5.** 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 Landowner incorporating all essential terms and conditions of the conveyance.

**SECTION 6:** 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 7:** Settlement on conveyance of the Property shall occur at the Margate City Hall or such other place as agreed to by the parties.

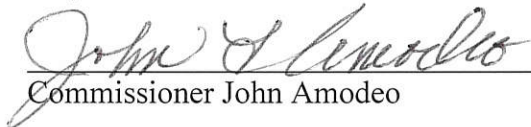
**SECTION 8:** All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 9:** This ordinance shall take effect upon its final passage and publication as required by law.

**SECTION 10:** Terms and Conditions of Sale. It is acknowledged and understood as to specific terms and conditions, that an easement allowing pedestrian access shall be authorized



Mayor Michael Becker



Commissioner John Amodeo



Commissioner Maury Blumberg

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

Introduction: August 16, 2018

Enactment: September 6, 2018