

ORDINANCE #25 – 2018

**AN ORDINANCE PROVIDING FOR THE VACATION OF A
PORTION OF AMHERST AVENUE SUBJECT TO COMPLIANCE
WITH CONDITIONS BY 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, 9707 Amherst Marina, LLC, a New Jersey limited liability company (hereinafter “Marina”), currently leases a portion of Amherst Avenue from the City of Margate City for the purpose of operating a restaurant known as Lamberti’s and providing office and bathroom facilities for an adjoining marina known as Sunset Marina, which lease was initiated October 15, 1987 and for which there is approximately eighteen (18) years remaining on said lease; and

WHEREAS, Marina is the owner of adjacent property located along the Amherst Avenue right-of-way and being Block 531, Lots 1, 1.01 & 2, and Block 530, Lot 3 & 4, and including various dockominiums, and

WHEREAS, Marina is the owner of a parking lot currently containing 64 spaces situate at 207 North Monroe Avenue and on property identified as Block 430, Lot 25.01, hereinafter “parking lot”; and

WHEREAS, Marina, pursuant to a Lease obligation with the City, is obligated to replace a portion of the existing bulkhead running along the front of the Marina property consisting of 231’; and

WHEREAS, the City is responsible to replace the remaining frontage consisting of 357’ of bulkhead along the Marina; and

WHEREAS, the Marina and the City are desirous of vacating a portion of Amherst Avenue currently occupied by the existing restaurant and marina facility known as Lamberti’s so that title to this area of Amherst Avenue becomes vested in 9707 Amherst Marina, LLC a New Jersey Limited Liability Company and its successors and/or assigns based upon completion of conditions hereinafter specified; and

WHEREAS, the conditions precedent to the vacation taking effect involve the construction by Marina of the entire frontage along Marina consisting of 588’ of bulkhead together with the creation of 24 public parking spaces to be located on Block 430, Lot 25.01 owned by Marina with said understanding to be memorialized by written agreement; and

WHEREAS, the Board of Commissioners have determined that said request for a partial vacation of Amherst Avenue is reasonable and necessary and a benefit to the public good and to facilitate the redevelopment of the subject property and to cause the construction of 588’ of new bulkhead to be constructed at Marina’s expense and to provide 24 public parking spaces to benefit the Waterfront Special District and public at large.

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 Amherst Avenue being described hereafter be vacated at such time as a total of 588 linear feet of bulkhead is constructed as directed and approved by the City Engineer and that a 24 car parking lot is made available for public use to be controlled by City said parking spaces to be situate on property owned by Marina identified as 207 N. Monroe Avenue and designated as Block 430, Lot 25.01 on the tax map of the City of Margate.
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 Amherst Avenue (75' wide) said point being North 53° 33' 00" East a distance of 72.50' from the intersection of said northwesterly line of Amherst Avenue with the division line between the City of Margate and the Borough of Longport; thence

- (1) North 53° 33' 00" East in and along the northwesterly line of Amherst Avenue a distance of 231.00' to a point; thence
- (2) South 36° 27' 00" East at right angles to the previous course a distance of 30.00' to a point; thence
- (3) South 53° 33' 00" West parallel with the first course reversed a distance of 231.00' to the first mentioned division line; thence
- (4) North 36° 27' 00" West in and along same, parallel with the second course reversed a distance of 30.00' to the point and place of BEGINNING.

BEING the northerly 30' of a part of Amherst Avenue, Margate, New Jersey. Containing an area of 6,930 sq. feet.

3. Public rights pertaining to the vacated portion of Amherst Avenue are hereby released and extinguished with the exception that public rights pertaining to access to the water front including those rights implemented by both an NJDEP Permit No. 0116-04-0018.4 approved November 22, 2016 and by Planning Board approval memorialized in Resolution Number 47-2016 together with any additional or subsequent NJDEP and/or City of Margate City Planning Board approvals, shall remain in full force and effect.

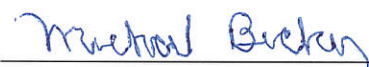
SECTION 2. A written memorialization constituting an Agreement between Marina and City shall be implemented and will include the conditions contained in this Ordinance as well as provide for additional details pertaining to the new bulkhead, the public walkway and parking area, development of a new restaurant/marina facility and subject parking lot, demolition of the existing restaurant/marina facility upon completion of 250' of bulkhead beginning from the north side of the marina property, and implementation of a parking plan which will allow for 24 public parking spaces said arrangement to be memorialized by a written, recordable agreement, and to provide that such parking spaces may be substituted or re-located in the event Marina or any successor in interest, obtains further development approvals pertaining to the existing parking lot facility.

SECTION 3. Upon completion of the 588' of bulkhead and implementation of the designated 24 public parking space area to the satisfaction of the City, the vacation of Amherst Avenue as detailed herein shall be completed and finalized by the City.

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. That the City Clerk shall immediately, after final passage and publication of this Ordinance, make and file in the Office of the Clerk of the County of Atlantic, a copy of this Ordinance, together with a copy of the proof of publication hereof, duly certified by him/her, under corporate seal of the City of Margate, for record, as required by law.

SECTION 6: 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: November 1, 2018

Enactment: November 15, 2018