

ORDINANCE #09 – 2020

**AN ORDINANCE PROVIDING FOR THE VACATION OF A
PORTION OF AMHERST AVENUE**

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”), became the owner by Ordinance 25-2018 of a portion of Amherst Avenue measuring 231’ in length x 30’ in width being contiguous to property owned by 9707 Amherst Marina, LLC, said lands being more fully described in said Ordinance 25-2018; and

WHEREAS, Marina has requested an extension of the vacated area located to the southwest side of an approved restaurant/marina/office facility said area consisting of a 15’ x 30’ parcel located in a portion of the Amherst Avenue right-of-way, a copy of the legal description of requested vacated area dated June 23, 2020 together with an “As Built” survey of proposed street vacation dated June 24, 2020, attached hereto and made a part hereof as Schedule “A”; and

WHEREAS, the Board of Commissioners have determined it would be in the best interest of the public to vacate the requested area as shown on the attached Schedule A; and

WHEREAS, the Board of Commissioners have determined that a partial vacation of Amherst Avenue is reasonable and necessary and will enhance the on-going development of this area of the Waterfront Special District and that the proposed vacated area is not required for public use and has determined that the within Vacation Ordinance would enhance the on-going development of the restaurant and marina.

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

SECTION 1. It is the intent of this Ordinance that a portion of Amherst Avenue being described hereafter be vacated.

SECTION 2. The area to be vacated is described as follow:

Beginning at appoint in the north line of Amherst Avenue (75’ wide), said point Being North 53 degrees 33 minutes 00 seconds East 57.50’ from the Division Line between the City of Margate City and the Borough of Longport, and extending From said beginning point; thence

1. North 53 degrees 33 minutes 00 seconds East in and along the north line Line of Amherst Avenue 15.00’ to the westerly line of the existing Lamberti License; thence
2. South 36 degrees 27 minutes 00 seconds East in and along said Lamberti License Line, within the Amherst Avenue right-of-way, at right angles to the Previous course 30.00’ to a point; thence
3. South 53 degrees 33 minutes 00 seconds West continuing within the Amherst Avenue right-of-way, parallel with the first course, if reversed, 15.00’ to a point; thence
4. North 36 degrees 27 minutes 00 seconds West still in the Amherst Avenue right-of-way, parallel with the second course, if reversed, 30.00’ to the point and place of BEGINNING.

BEING a parcel of land now part of the Amherst Avenue right-of-way, the subject of a street vacation from the City of Margate City.

Containing an area of 450 sq. feet.

SECTION 3. The City shall cause to be executed a Quit Claim Deed to transfer the vacated portion of Amherst Avenue to 9707 Amherst Marina, LLC, a New Jersey limited liability company, same shall be recorded with the Atlantic County Clerk's Office.

SECTION 4. Public rights pertaining to the vacated portion of Amherst Avenue are hereby released and extinguished with the exception of public rights pertaining to access to the water front including those rights implemented by both a 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 5. Marina and any and all successors and/or assigns of Marina acknowledge that an existing storm water outlet and drainage pipe extending through the adjoining bulkhead shall remain in place and shall be maintained by Marina and any and all successors and/or assigns of Marina at the sole discretion and directive of the City. This obligation to maintain shall be placed in the Quit Claim Deed confirming the vacation and transfer to Marina and its successors and/or assigns.

SECTION 6. 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 7. 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 City, for record, as required by law.

SECTION 8. 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: July 16, 2020

Enactment: August 6, 2020