

CITY OF ABSECON

ORDINANCE 06-2017

AN ORDINANCE OF THE CITY OF ABSECON WAIVING, RELEASING AND TERMINATING DEED RESTRICTIONS ON PROPERTY LISTED ON THE OFFICIAL TAX MAP OF THE CITY OF ABSECON AS LOT 11.01 IN BLOCK 289

WHEREAS, CFB Realty, LLC (hereinafter CFB) is the owner of property listed on the Absecon Tax Map as Lot 11.01 in Block 289; and

WHEREAS, the predecessor in title former owner of the property was Louis Garofola and Robert Jensen; and

WHEREAS, Louis Garofola and Robert Jensen purchased the property from the City of Absecon by Deed dated October 9, 1952; and

WHEREAS, in the Deed transferring the property from the City of Absecon to Louis Garofola and Robert Jensen there was a Deed restriction which read as follows:
Under the subject to the reservation, condition and restriction, the parties of the second part and all persons claiming under them, shall, at no time, remove sand, gravel or other soil from any portion of said lands lying within 50 feet of California Avenue or 50 feet of New Road.

(hereinafter the Deed restriction)

WHEREAS, CFB has requested that the Deed restriction be removed so that it may develop the property; and

WHEREAS, the Council of the City of Absecon is desirous of removing said restriction.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, New Jersey as follows:

SECTION ONE: The above recitals are incorporated into this section of the Ordinance as if fully set forth at length herein.

SECTION TWO: Upon adoption and passage of this Ordinance, the Deed restriction set forth above shall be waived, released and terminated.

SECTION THREE: The public hearing for this Ordinance may only be held after publication of notice describing the lands in question and the restriction to be waived and released shall be published once each week for two (2) weeks in an official newspaper of the City of Absecon.

SECTION FOUR: The Mayor or any other official of the City of Absecon is authorized to take any and all action to sign any Agreement or otherwise effectuate the intention of this Ordinance.

SECTION FIVE: Severability: If any section, portion or term of this Ordinance is found to be invalid or illegal by a body with competent jurisdiction, then said section, portion or term of this Ordinance shall be severed from the whole and the remaining sections or parts of this Ordinance shall remain in full force and effect.

SECTION SIX: Effective Date: This Ordinance shall become effective upon adoption and publication pursuant to law.

SECTION SEVEN: Repealer: Any Ordinance or part thereof inconsistent with this Ordinance shall be repealed.

DATED: May 18th, 2017

SIGNED: _____
John R. Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on April 20th, 2017. Laid over and advertised for public hearing and final adoption on May 18th, 2017. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on May 20th, 2017.