

**CITY OF ABSECON
ORDINANCE 03-2017**

**AN ORDINANCE AUTHORIZING THE SALE OF A PORTION OF LOT 1.02 IN
BLOCK 142 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF
ABSECON TO CONTIGUOUS PROPERTY OWNER, CECELIA WHITTAKER**

WHEREAS, Cecelia Whittaker is the owner of certain property identified on the Tax Map of the City of Absecon as Lot 5 in Block 142; and

WHEREAS, the City of Absecon is the owner of Lot 1.02 in Block 142 as shown on the Tax Map of the City of Absecon; and

WHEREAS, the property owned by the City of Absecon as identified above is adjacent and contiguous to the property owned by Cecelia Whittaker as identified above; and

WHEREAS, Cecelia Whittaker wishes to buy a portion of Lot 1.02 in Block 142 as further shown on the Plan of Minor Subdivision prepared by Charles E. Adamson, New Jersey Professional Surveyor attached hereto as Exhibit A and as described in the meets and bounds description which is attached hereto as Exhibit B; and

WHEREAS, Cecelia Whittaker has signed an Agreement of Sale and has deposited the purchase price for said property in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) which is currently being held in escrow by the City of Absecon.

BE IT ORDAINED by the City Council of the City of Absecon, in the County of Atlantic, New Jersey as follows:

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

SECTION TWO: Any property interest of the City of Absecon in the portion of Lot 1.02 in Block 142 as shown on the Tax Map of the City of Absecon and as identified in Exhibits A and B attached hereto and fully incorporated herein by this reference shall be sold to Cecelia Whittaker for the amount of Four Thousand Five Hundred Dollars (\$4,500.00) which sum has already been received by the City of Absecon.

SECTION THREE: The property shall be transferred via Quit-Claim Deed and the City is selling the property as is where is and is not making any representations or warranties of any nature.

SECTION FOUR: The Mayor, City Administrator and City Attorney are authorized to take any and all actions and sign any and all documents in order to effectuate the transfer contemplated by this Ordinance.

SECTION FIVE: There currently is a City owned shed on the property to be transferred and the City shall transfer said shed to Cecelia Whittaker pursuant to this Ordinance. The City makes absolutely no representation or warranty concerning the habitability or fitness of the shed and makes no representation or warranty concerning the structural integrity or the uses that the shed is suitable for. Cecelia Whittaker takes the same as is where is.

SECTION SIX: By adopting this Ordinance, the Council of the City of Absecon specifically makes the determination that the property being sold is undersized in that it is less than the size needed for development and that said property is not needed for a public purpose or use.

SECTION SEVEN: The City Engineer and all other officials of the City of Absecon are authorized to take any action necessary to subdivide and otherwise portion off the property to be sold by the City of Absecon to Cecelia Whittaker.

SECTION EIGHT: Cecelia Whittaker shall be solely responsible for taking any and all actions necessary to file the Deed tendered to her by the City of Absecon with the Atlantic County Clerk's Office. By delivering the Quit-Claim Deed the City is simply transferring whatever ownership interest it may have in the property to Cecelia Whittaker and makes no guarantee of the quality or insurability of the title to be transferred. No easement or portion thereof is being transferred pursuant to this Agreement and the City retains all rights and privileges which it may have regarding any easement or portion thereof.

SECTION NINE: The City shall deposit the Four Thousand Five Hundred Dollars (\$4,500.00) into its general account upon the tender of the Quit-Claim Deed to Cecelia Whittaker.

SECTION TEN: The purpose of this Ordinance is to transfer property from the City of Absecon to Cecelia Whittaker so that the wood post fence owned by Whittaker and the aforementioned shed lie solely on property owned by Whittaker and said fence and shed shall be in her sole ownership.

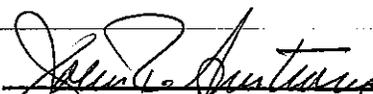
SECTION ELEVEN: Severability. If any section or portion of this Ordinance is found invalid for any reason by a Court or other body with competent jurisdiction, said section or portion thereof shall be severed from the remainder of the Agreement and the purpose and intention of the Agreement shall remain in full force and effect.

SECTION TWELVE: Repealer. This Ordinance repeals any previous Ordinances that are inconsistent herewith or portions thereof.

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

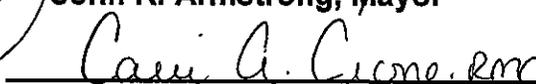
DATED: April 6th, 2017

SIGNED:



John R. Armstrong, Mayor

ATTEST:



Carrie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on March 16th, 2017. Laid over and advertised for public hearing and final adoption on April 6th, 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 April 6th, 2017.