

BOROUGH OF AVALON  
CAPE MAY COUNTY  
NEW JERSEY

RESOLUTION NO. \_\_\_\_\_-2020

**SUBJECT:** A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING IN ACCORDANCE WITH N.J.S.A. 40:60-51.2 UPON APPLICATION FOR RELEASE OF CERTAIN DEED RESTRICTIONS IMPOSED UPON CERTAIN PROPERTIES WITHIN THE BOROUGH OF AVALON, TO WIT: BLOCK 18.04, LOT 51 (219 19<sup>TH</sup> STREET)

**[HEARING DATE: JULY 8, 2020 AT 3:55 PM AT AVALON MUNICIPAL BUILDING]**

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**WHEREAS,** Brian P. Taggart and Margaret M. Taggart are the owners of BLOCK 18.04, LOT 51 as the same appear on the Official Tax Map of the Borough of Avalon and otherwise known as 219 19<sup>th</sup> Street and in said Borough; and

**WHEREAS,** the premises known as BLOCK 18.04, LOT 51 (219 19<sup>th</sup> Street) being the same premises which was conveyed by the Borough of Avalon to Jersey Shore Corporation, dated July 26, 1954 and recorded in Deed Book 836, Pages 93 through 96; and

**WHEREAS,** Brian P. Taggart and Margaret M. Taggart are the successors in interest and title and the present owner of the lands conveyed by the aforesaid deeds and has now requested that the Borough release those conditions and restrictions heretofore imposed by deed in the mentioned conveyances; and

**WHEREAS,** BLOCK 18.04, LOT 51 is subject to the following conditions and restrictions:

**“Under and subject to the reservation and restriction that only one building for living purposes may be erected on not less than 5000 square feet of land, the first floor area of any such building to contain at least 900 square feet, and under and subject to the further restriction that no building erected on the premises herein conveyed shall be over two stories in height.”**

The above restriction was imposed by the Borough of Avalon by deed dated July 26, 1954, from the Borough of Avalon to Jersey Shore Corporation.

**WHEREAS,** N.J.S.A. 40:60-51.2 authorizes a municipality to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land heretofore imposed by said municipality but only after conducting a public hearing, notice of which shall be duly advertised in accordance with said statute;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL** of the Borough of Avalon, in the County of Cape May and State of New Jersey as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Borough Clerk is hereby authorized to schedule a Public Hearing as follows:

DATE: WEDNESDAY, July 8, 2020

TIME: 3:55 pm

PLACE: Avalon Municipal Building – Meeting Room

and the Borough Clerk shall further cause publication of notice of such Public Hearing in accordance with the provisions of N.J.S.A. 40:60-51.2 and to the extent that any of the aforesaid actions have occurred, the same are hereby ratified.

3. Legal notice of this Public Hearing shall be published once each week for two weeks in The Press of Atlantic City, the official newspaper for the Borough of Avalon, on June 29, 2020 and July 6, 2020.

4. The owners-applicants shall also bear all costs incident to this application including but not limited to the cost of publication, preparation of any deed of other instrument and the recording costs thereof, and a counsel fee payable to the Borough Solicitor or other designated Counsel of the Borough of Avalon which fee shall not exceed the sum of \$1,500.00.

5. The appropriate Borough official and officers are hereby authorized and directed to do all things necessary or reasonably required to carry out the intent and purpose of this Resolution.

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Deever						
Hudanich						
Juzaitis						
McCorristin						
Wierman						

\_\_\_\_\_  
Nancy M. Hudanich, Council President

**I HEREBY CERTIFY THAT** the foregoing resolution was duly adopted by the Borough Council of the Borough of Avalon, New Jersey at the Regular Meeting held on Wednesday, June 24, 2020, with the voting record as indicated above.

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C. Danielle Nollett, Borough Clerk