



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 20-15

**ORDINANCE AUTHORIZING A LEASE AGREEMENT
FOR THE LEASE OF BOROUGH OWNED PROPERTY TO
THE HIGHLANDS BUSINESS PARTNERSHIP FOR A
PUBLIC PURPOSE**

WHEREAS, the governing body of the Borough of Highlands wishes to enter into a lease with the Highlands Business Partnership, a non-profit corporation which is tax-exempt under State and Federal law, in order to lease Borough owned property for a public purpose within the meaning of N.J.S.A. 40A:12-14 and 15; and

WHEREAS, the said lease would be for the use of an existing shed located in the parking lot of 42 Shore Drive, Highlands, with an initial term of ten (10) years; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to enter into a lease agreement with the Highlands Business Partnership and formalize an arrangement for the use of Borough property for storage purposes in furtherance of the Highlands Business Partnership beneficial public purposes.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey that:

SECTION I.

The Mayor and Borough Clerk are hereby authorized to enter into and execute a lease agreement with the Highlands Business Partnership for the aforesaid Borough owned property located at 42 Shore Drive, Highlands, New Jersey, which has been the subject of negotiations by and between the Borough officials and the Highlands Business Partnership, which lease will be on file at the office of the Borough Clerk and will include the following terms and conditions:

- 1. Consideration:** \$1.00 rent per year, payable on the first day of each year during the term of the Lease.
- 2. Lessee:** Highlands Business Partnership.
- 3. Public Purpose:** Within the meaning of N.J.S.A. 40A:12-15(i), undertaking, directing managing, facilitating and/or overseeing recreational, educational and cultural activities, events and programs intended to promote the health and general welfare, the civic, educational, historic, cultural and economic, well-being and vitality of community life.

4. **Number of persons benefiting from the Public Purpose:** It is estimated that the entire Borough, approximately 5,000 residents, will benefit from public purposes noted above since all Borough events are open to the general public;

5. **Term of Lease:** The Term of the Lease is Ten (10) Years;

6. **Officer, Employee or Agency Responsible for Enforcement of the Conditions of the Lease:** Borough Administrator.

BE IT FURTHER ORDAINED that the Highlands Business Partnership shall annually submit a report to the Borough Administrator of the Borough of Highlands which sets forth the following: the use to which the leasehold was put during each year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the non-profit corporation pursuant to both State and Federal law.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-20-15

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 06/17/2020



Matthew Conlon, RMC, Municipal Clerk



Public Hearing and Adoption July 15, 2020 O-20-15

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 07/15/2020


Matthew Conlon, RMC, Municipal Clerk

