



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 20-16

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

WHEREAS, the governing body of the Borough of Highlands wishes to enter into a lease with the Highlands Garden Club, 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 at Block 37, Lots 12.01 and 13 in the Borough of 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 Garden Club and formalize an arrangement for the use of Borough property for storage purposes in furtherance of the Highlands Garden Club's 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 Garden Club for the aforesaid Borough owned property located at Block 37, Lots 12.01 and 13, Highlands, New Jersey, which has been the subject of negotiations by and between the Borough officials and the Highlands Garden Club, 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 Garden Club
- 3. Public Purpose:** Within the meaning of N.J.S.A. 40A:12-15(i), the promotion of the health and general welfare of the community by encouraging interest in all phases of home gardening and to promote better horticultural practices, civic beauty and the conservation of natural resources within the community at large;
- 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 parks in the Borough 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 Garden Club 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-20-16

	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-20-16

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