

ORDINANCE NO. 2023-3

ORDINANCE RATIFYING AND AUTHORIZING A LEASE AGREEMENT BETWEEN THE BOROUGH OF KENILWORTH AND UNION BAPTIST CHURCH TO LEASE THE PAPER PORTION OF N. 13TH STREET NORTH OF ITS INTERSECTION WITH SHERIDAN AVENUE, AS A PARKING LOT, FOR A PERIOD OF 25 YEARS FROM JULY 1, 2022 THROUGH JUNE 30, 2047, PURSUANT TO N.J.S.A. 40A:12-14(C), FOR THE NOMINAL CONSIDERATION OF \$1.00.

WHEREAS, on June 12, 1996, the Borough of Kenilworth (the "Borough") Municipal Council adopted Resolution 10 authorizing the Borough to enter into a lease agreement with Union Baptist Church to lease Borough property, consisting of the paper portion of N. 13th Street North of its intersection with Sheridan Avenue (the "Leased Property"), for a period of twenty-five (25) years commencing on July 1, 1996 and expiring on June 30, 2022 ("Original Lease Agreement") for parking accommodations for the Church, its parishioners during church functions, and events sponsored by the Church; and

WHEREAS, the Original Lease Agreement provided Union Baptist Church with the option to renew its lease for an additional twenty-five (25) year period; and

WHEREAS, the Union Baptist Church has decided to exercise its option to renew its lease agreement of the Leased Property for an additional twenty-five (25) year period; and

WHEREAS, the Borough is authorized to lease any real property not needed for public use to a nonprofit corporation or association for a public purpose for nominal consideration pursuant to N.J.S.A. 40 A: 12-14(c); and

WHEREAS, N.J.S.A. 40A:12-14(c) further provides that the ordinance shall also require any nonprofit corporation holding a lease for a public purpose to annually submit a report to the officer, employee or agency designated by the governing body, setting out 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 nonprofit corporation pursuant to both State and federal law; and

WHEREAS, the Borough is of the opinion that it is in the best interest of all concerned that Union Baptist Church continue to utilize the Leased Property for the purpose of parking accommodations for the public, by way of a new formal lease consistent with the mandates of N.J.S.A. 40A:12-14(c); and

WHEREAS, the Lessee understands that the Leased Property is to be used only for parking accommodations for the public; and

WHEREAS, the lease shall be for a term of twenty-five (25) beginning on July 1, 2022 and ending June 30, 2047, subject to the Borough's right to terminate the lease at its convenience without cause by providing thirty (30) days prior notice; and

WHEREAS, the consideration for the lease shall be one dollar (\$1.00) a year and other good and valuable considerations.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Kenilworth that:

SECTION 1. The Mayor is hereby authorized to enter into and execute a Lease Agreement, in the form attached hereto, on behalf of the Borough of Kenilworth with the Union Baptist Church, for the leasing of the paper portion of N. 13th Street North of its intersection with Sheridan Avenue, pursuant to N.J.S.A. 40 A: 12-14(c), for parking accommodations for the Church, its parishioners during church functions, and events sponsored by the Church, for the period of twenty-five (25) years beginning on July 1, 2022 and ending on June 30, 2047, for the consideration of \$1.00 and other good and valuable consideration.

SECTION 2. The Union Baptist Church has the option to extend the term of the lease for an additional twenty-five years, subject to the approval by the Municipal Council.

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SECTION 3. The Municipal Council hereby ratifies the Lease Agreement from July 1, 2022, until the final passage and publication of this ordinance.

SECTION 4. A copy of the Lease Agreement is attached hereto and made part hereof.


SECTION 5. A copy of the Lease Agreement and this ordinance shall be permanently filed in the Office of the Borough Clerk.

SECTION 6. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.


 Linda Karlovitch, Mayor

INTRODUCTION				FINAL ADOPTION							
Moved	Sec.	Aye	Nay	Abs.	NP	Moved	Sec.	Aye	Nay	Abs.	NP
		X						X			
		X						X			
X		X						X			
		X				X		X			
		X						X			
	X	X					X	X			
Introduced: I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.											
February 15, 2023											
Final Adoption:											
March 15, 2023											
 Angela Lazzari, Borough Clerk											