

ORDINANCE NO. 2009 - 14

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, OFFERING FOR LEASE A PORTION OF BLOCK 52, LOT 10, BARNEGAT TOWNSHIP, NEW JERSEY, FOR BILLBOARD ADVERTISEMENT PURPOSES PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:12-13 ET SEQ.

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township"), is the owner of real property located at Block 52, Lot 10, Route 72, Barnegat Township, New Jersey; and

WHEREAS, the aforementioned property is improved with a billboard owned by a third party; and

WHEREAS, the Township desires to offer for lease this property based upon the following terms and conditions:

- (a) The lease will be for a 5-year term with four 5-year options;
- (b) The lease terms will include payment of \$2,000.00 per year for each of the first 5 years and thereafter, if the option is renewed, the lease payments will increase \$150.00 per year for each of the following 5 years.
- (c) The successful bidder will bring current outstanding payments due to the Township from the prior tenant in the approximate amount of \$5,650.32 upon execution of a lease agreement.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township offers for lease the aforementioned property based upon the conditions set forth hereinabove. Appropriate advertisement of this lease opportunity will be published by the Township Clerk in accordance with the provisions of N.J.S.A. 40A:12-14.

SECTION 2. All bids will be received at the office of the Township Clerk no later than 4:00 p.m. on Thursday, April 30, 2009.

SECTION 3. The Township reserves to itself the right to accept or reject any and all bids.

SECTION 4. The Township hereby authorizes and directs the Mayor, Township Clerk, Township Administrator and Township Solicitor to execute any and all documents in order to implement the intent of this Ordinance.

SECTION 5. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at meeting held on the **6th** day of **April, 2009** at **6:30 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **20th** day of **April, 2009**, at **6:30 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Kathleen T. West, RMC
Municipal Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731

JJD/caf[Barnegat Ordinances 2009 - GL-17961]

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PLEASE TAKE NOTICE that the Township of Barnegat, County of Ocean, State of New Jersey, hereby offers for lease property known and designated as Block 52, Lot 10, located on Route 72, Barnegat Township, New Jersey, for billboard advertisement purposes. The proposed lease will contain the following conditions:

- (1) The lease will be for a 5-year term with four 5-year options granted to the tenant;
- (2) During the first 5 years of the lease the annual rental sum will be \$2,000.00 per year, payable in semi-annual payments;
- (3) In the event that the tenant exercises any of the 5-year options the lease shall increase \$150.00 per year during that particular 5 years. All rental payments shall be paid semi-annually;
- (4) The successful bidder to whom the release is awarded must also pay an additional \$5,650.32 upon execution of the lease agreement which will be in addition to the first year's lease payment of \$2,000.00;
- (5) The tenant will properly maintain the billboard and the grounds surrounding the billboard area; and
- (6) The property subject to the lease will be utilized solely for advertising/billboard purposes.

All sealed bids must be received by the Township Clerk located at 900 West Bay Avenue, Barnegat, New Jersey, on or by **Thursday, April 30, 2009** at **4:00 p.m.**

A copy of the Ordinance is on file at the office of the Township Clerk and can be reviewed during normal business hours. Please take notice that the Ordinance will be adopted on first reading on **April 6, 2009**. The Ordinance will be considered for second and final reading by the Township Committee on **April 20, 2009** at **6:30 p.m.**

**KATHLEEN WEST,
MUNICIPAL CLERK**