

## RESOLUTION 2009-526

### RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF LICENSE AND MAINTENANCE AGREEMENT WITH THE BARNEGAT YOUTH FOOTBALL ASSOCIATION FOR THE MUNICIPAL FIELDS AT 38 LOWER SHORE ROAD, BLOCK 264, LOT 1

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") is the owner of recreational fields known as "Lower Shore Road Recreation Complex" located at 38 Lower Shore Road, Block 264, Lot 1, Barnegat Township, New Jersey (the "property"); and

**WHEREAS**, the Barnegat Youth Football Association (hereinafter referred to as the "Football Association") is a duly incorporated non-profit corporation with a principal purpose of providing youth football activities for the children of Barnegat Township; and

**WHEREAS**, the Township adopted Resolution 2009-475 on August 6, 2007, which authorized the execution of a five (5) year License and Maintenance Agreement with the Football Association for use of the Lower Shore Road Recreation Complex; and

**WHEREAS**, the authorized License and Maintenance Agreement permitted the Football Association to have primary occupancy and use of the fields for a four (4) month period each year (August 1<sup>st</sup> through December 1<sup>st</sup>) from 5:00 PM to 8:00 PM each weeknight and all day on Saturday, for a five (5) year term beginning on August 1, 2007; and

**WHEREAS**, the Football Association was permitted primary occupancy of the Lower Shore Road Recreation Fields in exchange for the Football Association assuming certain responsibilities associated with the maintenance and upkeep of the fields and property, including but not limited to cleaning the property, lining of the fields and performing routine maintenance of the trailer unit located on the property; and

**WHEREAS**, the Township has been pleased in the manner in which the Football Association has maintained the property and that the established partnership between the Township and the Football Association is beneficial and in the best interests of the Township; and

**WHEREAS**, the Township and the Football Association wish to modify the existing License and Maintenance Agreement adopted by Resolution 2007-475 on August 6, 2007, to recognize appropriate use of the renovated trailer unit along with extending the duration of the Agreement; and

**WHEREAS**, the Township will permit the Football Association use of the trailer unit in order to conduct certain approved functions, including but not limited to sale of food items and merchandise, storage of Football Association related equipment and supplies and performance of administrative work required to properly manage the Football Association; and

**WHEREAS**, it is acknowledged that the Township is the owner of the trailer unit including any and all improvements made to the trailer unit along with the installation of any permanent fixtures inside the trailer unit; and

**WHEREAS**, the Football Association has agreed to allow other Township sanctioned athletic and recreation organizations to utilize the trailer unit in order to promote and advance the cause of the respective organization as long as permission is secured from both the Township and the Football Association; and

**WHEREAS**, the Township and the Football Association agree to modify the duration of the Agreement to a five (5) year period starting on August 1, 2009 and ending on July 31, 2014; and

**WHEREAS**, the Township finds that this relationship with the Football Association to be in the best interest on the Township residents as it allows for a continued avenue of recreation and enjoyment while minimizing cost to the taxpayers of Barnegat by avoiding certain maintenance expenses for the field; and

**WHEREAS**, the Township has directed the Township Solicitor to prepare a modified License and Maintenance Agreement which the Township finds to be acceptable; now

**THEREFORE, BE IT RESOLVED**, this 3<sup>rd</sup> day of August, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts and approves the modified License and Maintenance Agreement prepared by the Township Solicitor, a true copy of which is on file in the office of the Township Clerk and can be reviewed during normal business hours.
2. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

3. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:
  - (a) Honorable Jeffrey Melchiondo, Mayor;
  - (b) David Breeden, Township Administrator;
  - (c) Jerry J. Dasti, Esq.; and
  - (d) Barnegat Youth Football Association, Attn: William Clark, President

### **CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on August 3, 2009, a quorum being present and voting in the majority.

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Kathleen T. West, RMC  
Township Clerk