

ORDINANCE NO. 2020- 4

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY REPEALING ORDINANCE 1995-21 AND TERMINATING THE LEASE AGREEMENT FOR BLOCK 115.01, LOT 10 TO O.C.E.A.N., INC. AS A RESULT OF THE TERMINATION OF THE HEAD START PROGRAM

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey ("the Township"), previously passed Ordinance 1995-21 which leased Block 115.01, Lot 10 ("the Property") to Ocean Community Economic Action Now, Inc., commonly known as O.C.E.A.N., Inc, to utilize the Property for O.C.E.A.N., Inc., "Head Start Program"; and

WHEREAS, when the Property was leased an Ordinance was passed pursuant to N.J.S.A. 40A:12-15 specifically for the Head Start Program; and

WHEREAS, O.C.E.A.N., Inc. authored correspondence to the Township Committee dated January 15, 2020 advising that the Head Start Program has since ceased and the purpose for which the Property was leased to O.C.E.A.N., Inc. has since closed and ceased operations; and

WHEREAS, as a result of the purpose for the lease has terminated, the Township Committee is desirous of terminating the lease agreement, repealing the Ordinance, and using the Property for other Township purposes.

NOW THEREFORE BE IT ORDAINED on this 3rd day of March 2020 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

SECTION 1. The Township hereby repeals Ordinance 1995-21 in its entirety as the purpose for leasing Block 115.01, Lot 10 to Ocean Community Economic Action Now, Inc.

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commonly known as O.C.E.A.N., Inc., has ceased, as the Head Start Program is no longer in operation. The Township has determined that the Property can be used for other Township purposes.

SECTION 2. The lease agreement executed by the parties as a result of Ordinance 1995-21 be and hereby is terminated.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 3rd day of March, **2020**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 7th day of April, **2020**, at 10:00 AM/~~PM~~ at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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MICHELE RIVERS, RMC, Clerk
Township of Barnegat

ORDINANCE NO. 1995-21

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE LEASE OF REAL PROPERTY KNOWN AS BLOCK 115.01, LOT 10, BARNEGAT TOWNSHIP TO OCEAN COMMUNITY ECONOMIC ACTION NOW, INC. FOR A NOMINAL CONSIDERATION IN ACCORDANCE WITH N.J.S.A. 40A:112-14(C) IN ORDER TO ACCOMMODATE SAID AGENCY'S HEAD START PROGRAM

WHEREAS, Barnegat Township is the owner of real property known as Block 115.01, Lot 10, Barnegat Township which is not needed for public use and which currently has a building located thereon which is in the state of disrepair; and

WHEREAS, Ocean Community Economic Action Now, Inc. commonly known as O.C.E.A.N., Inc. is a not-for-profit corporation organized under the laws of the State of New Jersey which administrates the "Head Start Program"; and

WHEREAS, said agency had requested that the Township lease said property to them on a long-term basis for a nominal consideration in order that they can operate the "Head Start" Program at said facility; and

WHEREAS, said agency has agreed to restore and repair said premises and to maintain same in good repair while operating its "Head Start Program"; and

WHEREAS, it is the desire of this governing body to make said facility available for said public purposes.

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

SECTION 1. Barnegat Township has determined that Block 115.01, Lot 10 is not needed for public use and that it should be leased to Ocean Community Economic Action Now, Inc. commonly known as O.C.E.A.N., Inc. for One Dollar (\$1.00) per year for a term of forty (40) years with an option for said tenant to renew for an additional twenty-five (25) year period pursuant to the terms of N.J.S.A.

40A:12-15.

SECTION 2. This lease is being made for a public purpose and that being the operation of the "Head Start Program" for pre-school children at said facility. The number of children to be benefitted by said program shall vary in accordance with the allowed occupancy of the building.

SECTION 3. Said O.C.E.A.N., Inc. shall improve said facility to bring it into compliance with all required codes and shall continue to maintain same in good repair throughout the term of the within lease.

SECTION 4. The Township Administrator or such other person as designated by the Township Committee from time to time shall be responsible for enforcement of the conditions as established within the lease authorized by this ordinance.

SECTION 5. The tenant lessee shall be responsible to annually submit a report to the Township Administrator or such other duly authorized representative of the Township Committee 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 of 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 6. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 7. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was

introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Barnegat, in the County of Ocean held on the 6th day of March , 1995 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the 20th day of March , 1995 at 7:00 p.m. at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey at which time and place any person desiring to be so heard upon the same will be given an opportunity to be so heard.


VERONICA JASINA, Clerk