

ORDINANCE NO. 2023-15

**ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AUTHORIZING LEASE OF PUBLIC LAND
PURSUANT TO N.J.S.A. 40A:12-14 ET SEQ. TO THE
BARNEGAT GIRLS SOFTBALL LEAGUE**

WHEREAS, the Township of Barnegat owns the Girls Softball Field identified at Block 253, Lots 9, 10 and 22 and the Lower Shore Road Sports Complex identified on the Tax Map of the Township of Barnegat as Block 264, Lot 1; and

WHEREAS, there is one (1) girls' softball field at the Girls Softball Field and two (2) girls' softball fields at Lower Shore Road Sports Complex (the "Properties"); and

WHEREAS, Barnegat Girls Softball League is a duly incorporated non-profit organization that has requested the Township enter into a lease agreement for the lease of the Properties to operate the softball league in Barnegat Township; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14, a municipality is authorized to lease municipal owned land to a nonprofit corporation for a public purpose; and

WHEREAS, Barnegat Girls Softball League is a duly incorporated 501(c)(3) nonprofit sports league information; and

WHEREAS, the Barnegat Girls Softball League is comprised of volunteers that will operate a girls softball league in Barnegat Township for the benefit of Barnegat Township's youth and the residents of Barnegat Township; and

WHEREAS, the initial term of the lease will be for a period of fifty (50) years at a cost of one (\$1.00) dollar per year; and

WHEREAS, the Township finds that the public purpose is served by authorizing this lease agreement for nominal consideration; and

WHEREAS, Barnegat Girls Softball League will provide a service to the youth of Barnegat Township and the public at large; and

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ATTORNEYS AT LAW

310 Lacey Road
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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 finds its necessary and appropriate to lease both the Girls Softball Field identified at Block 253, Lots 9, 10 and 22 located on the Tax Map of the Township of Barnegat, specifically one (1) girls' softball field, and a portion of the Lower Shore Road Sports Complex, specifically the two (2) girls softball fields located on Block 264, Lot 1 on the Tax Map of the Township of Barnegat to Barnegat Girls Softball League for the nominal consideration of one (\$1.00) dollar per year for a term of fifty (50) years beginning June 1, 2023 and ending June 30, 2073 pursuant to N.J.S.A. 40A:12-14 et seq.

The portion of the Properties to be leased is the three (3) girls softball fields located on the Properties as well as any pertinent facilities.

The Township finds that Barnegat Girls Softball League will provide a public purpose to the residents of Barnegat Township by providing a nonprofit girls softball league for the training, education, and extracurricular activities of the youth of Barnegat Township and provide a public purpose as defined by N.J.S.A. 40A:12-15(i).

Barnegat Girls Softball League envisions that approximately a hundred members of the public will be served by its operations.

SECTION 2. The public purpose provided for by the Lease Agreement is to promote the health, safety, wellness and general welfare by the non-profit corporation in accordance with N.J.S.A. 40A:12-15(i).

SECTION 3. The term of the Lease Agreement shall be effective June 1, 2023 until May 31, 2073 and shall be for the nominal consideration of \$1.00 per year.

SECTION 4. Barnegat Girls Softball League shall annually submit a report to the Township Administrator on or before January 1 each year setting forth the utilization

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of the Property by Barnegat Girls Softball League during the year and the activities the League has taken that year in order to further its public purpose pursuant to N.J.S.A. 40A:12-14.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. 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 7. 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 **4th day of April, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of May, 2023, at 6:30 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.

Donna M. Manno, RMC
Municipal Clerk

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