

ORDINANCE NO. 2009-17

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION OF A LEASE AND OPERATING AGREEMENT WITH THE BOYS
AND GIRLS CLUB OF MONMOUTH COUNTY TO PROVIDE YOUTH-ORIENTED PROGRAMS AT THE
BOROUGH OWNED PROPERTY LOCATED AT THE BUILDING AND PREMISES KNOWN AS 136
DRS. JAMES PARKER BOULEVARD, BLOCK 77, LOT 22**

WHEREAS, the Borough is the owner of the building and premises known as 136 Drs. James Parker Boulevard, identified as Block 7, Lot 22, on the official tax map of the Borough of Red Bank; and

WHEREAS, the Borough has duly advertised for and accepted the Boys and Girls Club of Monmouth County's proposal to provide staff and programs for the operation of the Red Bank Unit of the Boys and Girls Club of Monmouth County at the aforementioned property; and

WHEREAS, the Borough and the Boys and Girls Club wish to enter into an agreement concerning the leasing of the premises and the operation of the facility; and

WHEREAS, N.J.S.A. §§40A:12-14(c) and 15(i) permit a municipality to lease public property for nominal consideration to a non-profit corporation or association for the promotion of the health, safety, morals and general welfare of the community by Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION ONE:

- a. The Borough of Red Bank shall lease the building and premises known as 136 Drs. James Parker Boulevard to the Boys and Girls Club of Monmouth County, with offices at 1201 Monroe Avenue, Asbury Park, New Jersey 07712, for a term of one year, with annual rent of one dollar (\$1.00) for the purpose of operating the Red Bank Unit of the Boys and Girls Club of Monmouth County at the Red Bank Community Center in accordance with the Club's proposal and the Borough's Request for Proposals which shall be incorporated into the Lease and Operation Agreement authorized herein; and
- b. The Red Bank Unit of the Boys and Girls Club shall be open to all residents of the Borough of Red Bank and the surrounding communities, subject only to the lawful rules and regulations of the Boys and Girls Club of Monmouth County;
- c. The Mayor and the Borough Clerk are hereby authorized to execute said Lease and Operation Agreement, along with any other documents necessary to accomplish the purposes of this Ordinance;
- d. In accordance with N.J.S.A. §40A:12-14(c), the Boys and Girls Club shall annually submit a report to the Borough Administrator setting out the use to which the property 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 non-profit corporation pursuant to both State and Federal law.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: May 11, 2009

Final Reading: May 26, 2009