

Ordinance 2013-10

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO LEASE CERTAIN PREMISES LOCATED AT 100 AND 102 MERCER STREET, CONSTITUTING PART OF THE REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 33, LOT 20 ON THE HIGHTSTOWN BOROUGH TAX MAP, TO PROVIDE FOR TEMPORARY OFFICE SPACE FOR CERTAIN BOROUGH OPERATIONS, AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, Mel A. Adlerman and Gloria K. Adlerman (the “Landlords”) are the owners of certain premises located at 100 and 102 Mercer Street (collectively, the “premises”) in the Borough of Hightstown (also referenced as the “Borough”), which premises constitute part of the real property known and designated as Block 33, Lot 20 on the Hightstown Borough Tax Map; and

WHEREAS, the unit located at 100 Mercer Street consists of approximately 740 square feet; and

WHEREAS, the unit located at 102 Mercer Street consists of approximately 2,180 square feet; and

WHEREAS, the premises both represent existing storefronts in the Borough that are currently vacant; and

WHEREAS, the Borough wishes to acquire an interest in the premises by way of a lease agreement so that the Borough may utilize the premises in order to provide for temporary office space(s) for certain municipal operations of the Borough, including but not limited to the Borough’s administrative offices (the “project”); and

WHEREAS, the project is necessary as a result of the damages sustained to the former Borough Hall facilities as a result of Hurricane Irene, which occurred in August of 2011 and which caused the former Borough Hall facilities to become uninhabitable; and

WHEREAS, following negotiation, the Borough and the Landlords have reached an agreement regarding the terms and conditions associated with this understanding; and

WHEREAS, pursuant to said negotiations, the rental amount for the unit located at 100 Mercer Street shall be \$1,110.00 per month, and the rental amount for the unit located at 102 Mercer Street shall be \$2,200.00 per month, for a collective total rental amount of \$3,310.00 per month for the premises; and

WHEREAS, the proposed lease agreement shall commence on June 1, 2013, and shall endure for a period of two (2) years, while the Borough is undertaking the permanent Borough Hall reconstruction project at the old Borough Hall site; and

WHEREAS, the New Jersey Local Lands and Buildings law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-5(a)(1), authorizes a municipality, by ordinance, to provide for the acquisition of any real property by purchase or lease; and

WHEREAS, the Mayor and Borough Council wish to authorize the appropriate Borough Officials to execute a lease agreement on behalf of the Borough for the public purposes set forth above, so long as said agreement is in a form satisfactory to the Borough Attorney and the Borough’s Project Manager for the Borough Hall project.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a lease agreement between the Borough of Hightstown and the Landlords regarding the premises, so that the Borough may rent the premises for the public purposes referenced above. Said lease agreement shall be consistent with the representations referenced above and shall be in a form satisfactory to the Borough Attorney and the Borough's Project Manager for the Borough Hall project.
2. That all Borough officials and professionals are hereby authorized and directed to take all actions that are necessary in order to effectuate the intentions of this Ordinance.
3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
5. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: April 1, 2013

Adopted:

ATTEST:

Debra L. Sopronyi,
Borough Clerk

Steven Kirson, Mayor