

Ordinance 2014-02

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

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A LEASE AGREEMENT WITH HIGHTS REALTY, LLC, IN ORDER TO LEASE A PORTION OF CERTAIN REAL PROPERTY LOCATED AT 415 MERCER STREET, MORE COMMONLY KNOWN AND DESIGNATED AS BLOCK 61.01, LOT 43 ON THE BOROUGH'S TAX MAP.

WHEREAS, Hights Realty, LLC (also referenced as the "Landlord") is the owner of certain real property located at 415 Mercer Street in the Borough of Hightstown (also referenced as the "Borough"), more commonly known and designated as Block 61.01, Lot 43 on the Borough's Tax Map (hereinafter referenced as the "Property"); and

WHEREAS, the Borough wishes to acquire an interest in the Property by way of a lease agreement so that the Borough may continue to utilize a portion of said Property as the site of the Borough's Police Department (and associated operations); and

WHEREAS, the Borough and the Landlord have reached an understanding regarding the terms and conditions associated with this undertaking; and

WHEREAS, said terms and conditions are contained in a proposed Lease Agreement, a copy of which is attached hereto and made a part hereof (copies of the proposed Lease Agreement are available at no cost from the Borough Clerk's office during regular business hours); and

WHEREAS, the Mayor and Borough Council believe that the proposed Lease Agreement is in the best interests of the Borough; 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 the attached Lease Agreement on behalf of the Borough for the public purposes set forth above.

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, the attached Lease Agreement between the Borough of Hightstown and Hights Realty, LLC, so that the Borough may lease the Property for the public purposes referenced above in accordance with the terms and conditions set forth in the said Lease Agreement.
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: January 6, 2014

Adopted:

ATTEST:

Debra L. Sopronyi,
Borough Clerk

Steven Kirson, Mayor

