

ORDINANCE NO. 2022-06

ORDINANCE AUTHORIZING THE BOROUGH OF KENILWORTH TO ENTER INTO A LEASE AGREEMENT WITH KENILWORTH LITTLE LEAGUE FOR THE USE OF THE UNPAVED PORTION OF HALSEY STREET BETWEEN 14th STREET AND 13th STREET, BETWEEN BLOCK 30, LOT 8.01, BLOCK 29, LOT 1 AND BLOCK 28, LOT 1 (MORE COMMONLY KNOWN AS THE KENILWORTH LITTLE LEAGUE PARKING LOT) FOR YOUTH RECREATION BASEBALL AND SOFTBALL PURPOSES.

WHEREAS, the Borough of Kenilworth (the "Borough") is a Municipal Corporation of the State of New Jersey, with offices located at 567 Boulevard, Kenilworth, NJ 07033; and

WHEREAS, the Borough of Kenilworth is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant lots and open spaces for gardening or recreation purposes pursuant to N.J.S.A. 40 A: 12-14(c) and N.J.S.A. 40 A:12-15(j); and

WHEREAS, the Borough of Kenilworth has long had a fruitful and symbiotic relationship with the Kenilworth Little League; and

WHEREAS, since 1995, the Kenilworth Little League has leased the unpaved portion of Halsey Street between 14th Street and 13th Street, between Block 30, Lot 8.01, Block 29, Lot 1, and Block 28, Lot 1 for parking accommodations for Little League baseball games and events of the Kenilworth Little League; and

WHEREAS, N.J.S.A. 40A:12-14 of the Local Lands and Buildings Law provides, in relevant part, that any municipality may lease any real property, capital improvement or personal property other than real property otherwise dedicated or restricted pursuant to law; and

WHEREAS, specifically, N.J.S.A. 40A:12-14(c) provides that in the case of a lease to a nonprofit corporation or association for a public purpose, the lease shall be authorized by ordinance and may be for nominal or other consideration and that said authorization shall include the following:

1. nominal or other consideration for the lease;
2. the name of the corporation or corporations who shall be the lessees;
3. the public purpose served by the lessee;
4. the number of persons benefiting from the public purpose served by the lessee, whether within or without the municipality in which the leasehold is located; and
5. the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease; and

WHEREAS, N.J.S.A. 40A:12-14(c) further provides that the ordinance shall also require any nonprofit corporation holding a lease for a public purpose to annually submit a report to the officer, employee or agency designated by the governing body, 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 or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

WHEREAS, N.J.S.A. 40A:12-15(j) provides that a leasehold may be made for a term not in excess of 50 years and extended for an additional 25 years by ordinance thereafter for any county or municipal public purpose, including, but not limited to the use of vacant lots for recreational activity; and

WHEREAS, the Borough of Kenilworth (the "Lessor") is of the opinion that it is in the best interest of all concerned, especially our borough's children, that Kenilworth Little League continue to utilize Borough-owned property to for the purpose of parking accommodations for Little League baseball games and events of the Kenilworth Little League, by way of a new formal lease consistent with the mandates of both N.J.S.A. 40A:12-14(c) and N.J.S.A. 40 A:12-15(j); and

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WHEREAS, Kenilworth Little League ("the Lessee") understand that the properties leased to non-profit corporations or associations are to be used for recreational purposes only; and

WHEREAS, the lease shall be for a term of twenty-five (25) beginning on March 16, 2022 and ending March 15, 2047, subject to the City's right to terminate the lease at its convenience without cause by providing thirty (30) days prior notice; and

WHEREAS, the consideration for the lease shall be one dollar (\$1.00) a year and other good and valuable considerations.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Kenilworth that:

SECTION 1. The Mayor is hereby authorized to enter into and execute a Lease Agreement, in the form attached hereto, on behalf of the Borough of Kenilworth with the Kenilworth Little League, for the leasing of the property known as the unpaved portion of Halsey Street between 14th Street and 13th Street, between Block 30, Lot 8.01, Block 29, Lot 1, and Block 28, Lot 1, pursuant to N.J.S.A. 40 A: 12-14(c) and N.J.S.A. 40 A:12-15(j), for the period of twenty-five (25) years beginning on March 16, 2022 and ending on March 15, 2047, for the consideration of \$1.00 and other good and valuable consideration.

SECTION 2. The Mayor is authorized to extend the term of the lease for an additional twenty-five years subject to the approval by the Municipal Council.

SECTION 3. The Municipal Council hereby ratifies the Lease Agreement from March 16, 2022, until the final passage and publication of this ordinance.

SECTION 4. A copy of the Lease Agreement is attached hereto and made part hereof.

SECTION 5. A copy of the Lease Agreement and this ordinance shall be permanently filed in the Office of the City Clerk.

SECTION 6. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.



Linda Karlovitch, Mayor

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INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KAY CECERI			X			
		X				MARK DAVID			X			
X		X				JOSEPH FINISTRELLA	X		X			
		X				SCOTT PENTZ			X			
		X				FRED PUGLIESE			X			
	X	X				JOHN ZIMMERMAN		X	X			
Introduced: April 20, 2022			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.									
Final Adoption: May 18, 2022			 Kathleen Moschitta, Deputy Borough Clerk									