

ORDINANCE NO. 4, 2020

AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY WITHIN THE CITY OF LINWOOD TO THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF THE CITY OF LINWOOD, INC. AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by Common Council of the City of Linwood, County of Atlantic and State of New Jersey, as follows:

WHEREAS, the Mayor and Council of the City of Linwood, Lessor, pursuant to N.J.S.A. 40A:12-14(c), have determined to lease certain real estate for public purposes in the City of Linwood to the Trustees of the Free Pubic Library of the City of Linwood, Inc., a nonprofit corporation of the State of New Jersey, the Lessee ; and

WHEREAS, the City of Linwood is the owner of property known as the Linwood Library Building located at 301 Davis Avenue in the City of Linwood and shown on the Linwood Tax Map as Block 130, Lot 1; and

WHEREAS, the City of Linwood will not be charging any actual rent to the Trustees of the Free Library of the City of Linwood, Inc., but are rather entering into this Lease for nominal consideration; and

WHEREAS, the general public purpose served by the Lessee shall be to provide a free public library and all related services to the residents of the City of Linwood and to the general public at large; and

WHEREAS, the term of the Lease shall be for twenty (20) years commencing on January 1, 2021 and continuing through December 31, 2040; and

WHEREAS, the Common Council of the City of Linwood shall be responsible for enforcing the terms and conditions of this Lease; and

WHEREAS, the Lessee shall annually submit a report to the Mayor, or such other 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;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Common Council of the City of Linwood that the City of Linwood is hereby authorized to lease the property described herein according to the terms and conditions set forth in this Ordinance to the Trustees of the Free Public Library of the City

of Linwood, Inc. Said Lease shall be further conditioned upon and subject to the terms and provisions of a written Lease Agreement between the City of Linwood, Lessor, and the Trustees of the Free Public Library of the City of Linwood, Inc., Lessee, pursuant to the Lease attached hereto and made a part hereof;

BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and are hereby authorized, directed and empowered to execute the Lease Agreement and all other necessary and required documents in order to effect this Lease;

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence or provision of any item in this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

This Ordinance shall take effect upon its final passage and publication as provided by law.

FIRST READING: March 11, 2020

PUBLICATION: March 16, 2020

PASSAGE: March 25, 2020

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on March 11, 2020 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on March 25, 2020.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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DARREN MATIK, MAYOR