

**BOROUGH OF NEW MILFORD
ORDINANCE NO. 2020:03**

**AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION OF LOT 2 IN BLOCK
301 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF NEW MILFORD
PURSUANT TO N.J.S.A. 40A:12-14**

WHEREAS, the Borough of New Milford is the owner of certain real property located at 160 Trotta Drive in the Borough of New Milford, also known and designated as Block 301, Lot 2 as shown on the Tax Map of the Borough of New Milford; and

WHEREAS, the Borough of New Milford previously leases a portion of said property to the New Milford Swim Club, Inc., a not-for-profit corporation of the State of New Jersey, for the purpose of maintaining a swim club open to the public as an outdoor public recreational facility, which lease expired on December 31, 2019; and

WHEREAS, both the Borough of New Milford and the New Milford Swim Club would like to enter into a new Lease for the period January 1, 2020 to December 31, 2024; and

WHEREAS, swimming facilities are recognized as outdoor recreational facilities which constitute a public purpose under Green Acre statutes and regulations; and

WHEREAS, N.J.S.A. 40A:12-14(c), a municipality may, by ordinance, authorize the lease of municipality property not otherwise restricted by law and not needed for public use to a non-for-profit corporation or association for a public purpose for nominal consideration;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Borough of New Milford, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:12-14(c) as follows:

Section 1. The Borough of New Milford, hereinafter referred to as the “Borough,” hereby authorizes the lease the following described premises to the New Milford Swim Club, Inc., a not-for-profit corporation of the State of New Jersey, hereinafter referred to as the “the Lessee,” upon the following terms and conditions:

- a. The Subject Premises shall consist of a portion of Lot 2 in Block 301 as shown on the Tax Map of the Borough of New Milford, as more particularly described on Schedule A, annexed hereto and made part hereof.
- b. The lease of the Subject Premises shall be for the purpose of the operation of a swim club open to residents of the Borough of New Milford (population of 16,341 according to the 2010 Census), as well as residents outside the Borough of New Milford.
- c. The Lease shall be for an initial term of five (5) years at a rental of \$25,000 per year, as more particularly set forth in a Lease, a copy of which is on file in the Office of the Borough Clerk and is available for public inspection.

- d. The Borough of New Milford shall be the responsible agency for the enforcement of the terms of the Lease.
- e. The Lessee shall annually submit a report to the officer, employee or agency designated by the Borough, 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.

Section 2. If any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 3. The Mayor is hereby authorized and directed to execute and the Borough Clerk to attest, the Lease.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

SCHEDULE A

PREMISES IN THE BOROUGH OF NEW MILFORD COUNTY OF BERGEN AND STATE OF NEW JERSEY

BEING a part of Lot 2 in Block 301 on the Tax Map of the Borough of New Milford, and being more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of an 80.00 foot Bergen County Sewer Authority sanitary trunk sewer easement, said westerly line being parallel to an distant 80.00 feet westerly at right angles from the westerly line of a map entitled "Map of Fieldstone Gardens," filed in the Bergen County Clerk's Office September 25, 1946 as Map No. 3483, said point of beginning being distant 25.02 feet northerly on a course of North 7° 34' 48" East as measured along said westerly line of the 80.00 foot easement from its intersection with the northerly line of a map entitled "Amended Map of University Estates," filed in the Bergen County Clerk's Office on April 18, 1950 as Map No. 3893, and from said point or place of beginning running thence:

- (1) North 7° 34' 48" East along the westerly line of the above-mentioned 80.00 foot easement and parallel to and distant 80.00 feet westerly at right angles from the westerly line of the above-mentioned filed Map No. 3483, a distance of 306.05 feet to an angle point in the same; thence
- (2) North 10° 07' East still along the westerly line of the above-mentioned 80.00 foot easement and parallel to and distant 80.00 feet westerly at right angles to the westerly line of a map entitled "Subdivision Map of Beverly Homes" filed in the Bergen County Clerk's Office May 2, 1951 as Map No. 4103 as distance of 451.96 feet to a point in the same; thence
- (3) North 79° 09' 30" West along the northerly line of the herein described parcel a distance of 499.00 feet, more or less, to a point in the easterly bank of the Hackensack River, thence returning to a point or place of beginning and running:
- (4) North 82° 21' 30" West along the southerly line of the herein described parcel a distance of 635.00 feet, more or less, to a point in the above-mentioned easterly bank of the Hackensack River; thence
- (5) In a general northerly direction along the above-mentioned easterly bank of the Hackensack River, and across the mouth of a small inlet and again along said easterly bank of the Hackensack River, its many courses and distances thereof to a point in the same and the end of the third course herein run.

CONTAINING: 11.44 Acres, more or less.

The above description being in accordance with a survey prepared by Fraleigh and Schwanewede, Professional Engineers, 201 The Plaza, Teaneck, New Jersey, dated December, 1959.