



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 23-195

AWARDING LEASE OF MUNICIPAL PROPERTY DESIGNATED AS BLOCK 56, LOT 13 ON THE TAX MAP OF THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough owns property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands; and

WHEREAS, N.J.S.A. 40A:12-14 sets forth, in relevant part, that a municipality may lease any real property not needed for public use; and

WHEREAS, N.J.S.A. 40A:12-14(a) sets forth, in relevant part, that in the case of a lease to a private person, said lease shall be made to the highest bidder by open public bidding at auction or by the submission of sealed bids; and

WHEREAS, by way of Resolution 18-118, duly adopted on May 16, 2018, the Borough authorized a lease with The Proving Ground for Block 56, Lot 13 and said lease shall expire on October 31, 2023; and

WHEREAS, by way of Resolution 23-173, duly adopted August 16, 2023, the Borough authorized advertisement for and the solicitation of sealed bids for the lease of the property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands on a non-exclusive basis for the purpose of operating a parking lot; and

WHEREAS, on September 13, 2023, the Borough of Highlands accepted bids for the lease of Block 56, Lot 13 for an initial term of one (1) year with the option to continue the lease for up to four (4) consecutive additional one (1) year terms at the option of the Borough; and

WHEREAS, the Borough received one (1) response from SmokeNMirrors LLC dba The Proving Ground for the lease of Block 56, Lot 13 in the amount of \$2,000 per month for a total of \$24,000 per year for years 1 through 5; and

WHEREAS, the Borough wishes to accept the proposal, which exceeded the minimum bid requirements contained in the public notice to bidders, and award a lease to SmokeNMirrors LLC dba The Proving Ground.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Borough hereby accepts the proposal dated September 11, 2023 from SmokeNMirrors LLC dba The Proving Ground, for the lease of Borough owned property located at Block 56, Lot 13 on the Tax Map of the Borough of Highlands on a non-exclusive

basis for the purpose of operating a parking lot for an amount of \$2,000.00 per month for a total of \$24,000.00 per year.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that the Borough Attorney be and is hereby directed to prepare a Lease Agreement in accordance with the aforesaid terms, wherein the said lease will be for an initial term of one (1) year with the option to continue the said lease for up to four (4) consecutive additional one (1) year terms at the option of the Borough.

Motion to Approve R 23-195:

| | INTRODUCED | SECOND | AYE | NAY | ABSTAIN | ABSENT |
|-----------|------------|--------|-----|-----|---------|--------|
| CERVANTES | | | | | | |
| CHELAK | | | | | | |
| MELNYK | | | | | | |
| OLSZEWSKI | | | | | | |
| BROULLON | | | | | | |

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: September 20, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands