

ORDINANCE NO. 2023-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING ENTRY OF NEW LEASE AGREEMENT WITH THE
MIDDLETOWN TOWNSHIP CULTURAL ARTS COUNCIL, INC., A NONPROFIT
CORPORATION FOR TOWNSHIP OWNED PROPERTY AND IMPROVEMENTS
LOCATED UPON BLOCK 809, LOT 26 (36 CHURCH STREET)**

WHEREAS, N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15 specifically authorizes local government entities to lease public property to nonprofit organizations for various public purposes, requiring that such leases be authorized by ordinance; and

WHEREAS, on July 17, 2006, pursuant to Ordinance No. 2006-2886, the Township of Middletown (the "Township") entered into a Lease Agreement with the Middletown Township Cultural Arts Council, Inc., a nonprofit organization (the "Arts Center"); and

WHEREAS, the 2006 Lease Agreement entered between the Township and the Arts Center has not be revisited in nearly 17 years during which time the operations of the Arts Center have changed significantly; and

WHEREAS, the Township and the Arts Center wishes to enter into a new Lease Agreement whereby the Arts Center shall continue to provide public arts and cultural programming opportunities to Middletown and surrounding communities; and

WHEREAS, pursuant to the new Lease Agreement terms, commencing on January 1, 2024, the Arts Center shall start making monthly lease payments of \$3,250 (\$39,000 per year) for a term of five years with one renewal period.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. The above recitals are incorporated by reference as if fully set forth herein.

SECTION 2. The Mayor is hereby authorized and directed to execute a new Lease Agreement with the Arts Center for the Township's property and improvements located upon Block 809, Lot 26 (36 Church Street) for a term of five years, with one optional five year renewal period, for an annual rent payment of \$39,000 per year during the initial term of the Lease Agreement, which may be terminated by either party upon 90 days' notice and subject to the terms and conditions required pursuant to N.J.S.A. 40A:12-14(c).

- SECTION 3.** All ordinances of the Township which are inconsistent with the provisions of this ordinance, including Ordinance No. 2006-2886, are hereby repealed and replaced to the extent of such inconsistency.
- SECTION 4.** Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.
- SECTION 5.** This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.