

**BOROUGH OF HIGHLAND PARK
ORDINANCE NO. 21-2037**

**AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY AUTHORIZING A LEASE WITH THE REFORMED CHURCH
OF HIGHLAND PARK - AFFORDABLE HOUSING CORPORATION PERTAINING
TO PORTIONS OF BLOCK 1704, LOTS 41 AND 42, ALSO FORMERLY KNOWN
AS THE RUTGERS GUN AND BOAT SHOP PROPERTY**

WHEREAS, the Borough of Highland Park (the “**Borough**”) is the owner of a parcel in the Borough designated as Block 1704, Lots 41 and 42 on the Borough tax maps, and located at 127 Raritan Avenue and 133 Raritan Avenue, respectively, formerly known as the “Rutgers Gun and Boat Shop” property (the “**Property**”); and

WHEREAS, the Property, which was acquired for inclusion in the Borough’s redevelopment plans, is currently vacant and the Mayor and Council desire to utilize this existing resource and put the Property to beneficial use until such time as those plans are implemented; and

WHEREAS, the Property consists of a two-story building that includes a large storefront with inventory space and a garage on the first floor and a residential apartment on the second floor, along with a parking area on the adjacent lot; and

WHEREAS, the Reformed Church of Highland Park - Affordable Housing Corporation, a nonprofit corporation of the State of New Jersey with offices located at 19 South Second Avenue, Highland Park, New Jersey (the “**RCHP-AHC**”) desires to lease the storefront, inventory area and a portion of garage on the first floor of the building on the Property for temporary storage of supplies for Afghan refugees; and

WHEREAS, the RCHP-AHC desires to lease the second floor of the building to provide affordable housing for a low-income family; and

WHEREAS, the RCHP-AHC is an experienced nonprofit that has served as a valuable community resource and assisted the Borough in the past to support those in need in multiple ways; and

WHEREAS, the RCHP-AHC has agreed to assist the Borough in the clean-up and repair of the Property so it can be utilized for the aforementioned uses; and

WHEREAS, *N.J.S.A. 40A:12-14(c)* of the Local Lands and Buildings Law authorizes a municipality to lease property to a nonprofit for public purposes; and

WHEREAS, *N.J.S.A. 40A:12-15(i)* specifically authorizes a municipality to enter into a lease with a nonprofit corporation for any activity that promotes the health, safety and general welfare of the community and *40A:12-15(h)* authorizes a lease with a nonprofit corporation to provide services for poor or indigent persons or families; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Borough of Highland Park to enter into a lease with the Reformed Church of Highland Park – Affordable Housing Corporation to provide temporary space for the collection and storage of supplies for Afghan refugees and to provide an affordable residential housing unit and adjacent parking, which will allow the Borough to utilize an existing unused resource for the benefit of those in need.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Highland Park, in Middlesex County, New Jersey as follows:

1. The statements and findings set forth in the preamble above are hereby incorporated as if fully restated herein.

2. Pursuant to *N.J.S.A. 40A:12-14* and *40A:12-15*, the Borough Council hereby authorizes the lease of a portion of the Property to the RCHP-AHC for the purpose of using a part of the first floor of the building (excluding the garage) for temporary storage and the second floor of the building for an affordable housing residential unit, as described in Section 1 above, subject to the following conditions:

For the first floor (excluding the garage space):

- A. Term: Six (6) months.
- B. Consideration: Five hundred (\$500.00) Dollars per month.
- C. Preparation of space: The RCHP-AHC shall be responsible for clean-up of the first-floor space, including front windows, with support from the Borough as needed.

D. Insurance: The RCHP-AHC shall provide the Borough with a certificate of insurance for general liability.

For the second floor and adjacent parking area:

A. Term: Initial period of one (1) year with option for one (1) year renewals. If the Borough determines it needs access to the building for redevelopment, the Borough shall give RCHP-AHC sixty (60) days' notice to vacate so that alternative housing can be found for the tenant.

B. Consideration: One Thousand (\$1,000.00) Dollars per month.

C. Preparation of space: The RCHP-AHC shall be responsible for repairs and/or modifications of the residential space so that a certificate of occupancy can be issued for use of the space.

D. Maintenance: The RCHP-AHC shall be responsible for ongoing maintenance of the residential unit throughout the term of the lease.

E. Parking: Two parking spaces on the adjacent parking lot shall be provided for use by the tenant of the affordable housing unit.

F. Insurance: The RCHP-AHC shall provide the Borough with a certificate of insurance for general liability and proof that the tenant has obtained insurance for the contents of the residential unit.

G. RCHP-AHC shall submit annual reports to the Borough to meet the requirements of *N.J.S.A. 40A:12-14(c)*, including affirmation of the continued tax-exempt status of the nonprofit corporation.

3. The Mayor, Administrator, Clerk, Borough Attorney, and other appropriate staff and officials are hereby authorized and directed to negotiate, prepare, and execute any and all such lease documents and undertake any and all such acts as may be needed to implement the terms hereof.

4. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision of such holding and shall not affect the validity of the remaining paragraphs or sections hereof.

5. This ordinance shall take effect upon its passage and publication as provided for by law.

Introduced and passed on first reading: October 19, 2021

ADOPTED: November 9, 2021

ATTEST:

APPROVED: November 9, 2021

Joan Hullings, Borough Clerk

Gayle Brill Mittler, Mayor