

ORDINANCE NO. 2020 – 06

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE ATLANTIC CITY ELECTRIC FOR USE OF FACILITATING PROVISION OF ELECTRICAL TRANSMISSION SERVICES IN ACCORDANCE WITH N.J.S.A. 40A:12-15.

WHEREAS, property known as 1363 Route 539, also known as Block 124, Lots 10.01 and 67 on the Tax Map of the Township of Little Egg Harbor (hereinafter the “Property”), is owned by the Township of Little Egg Harbor; and

WHEREAS, the Township of Little Egg Harbor desires to lease a portion of the Property to Atlantic City Electric Company as delineated on Schedule A, hereto attached; and

WHEREAS, N.J.S.A. 40A:12-15(k) authorizes a municipality to enter into a lease for a municipal public purpose, whereby said public purpose includes the provision of electrical transmission service across the lines of a public utility for a municipality; and

WHEREAS, the Atlantic City Electrical Company desires to use the Property for public purposes associated with electrical transmission and for storage of electrical equipment and materials in facilitation of electrical transmission for all those persons in the Township and in Ocean County; and

WHEREAS, consistent with the authorization under N.J.S.A. 40A:12-15, the term of the lease shall be for one (1) year, commencing June 1, 2020 and ending May 31, 2021, with options to continue on a month-to-month basis; and

WHEREAS, under the terms of the lease, the Atlantic City Electrical Company

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shall be required to pay the Township \$1,500 per month for the term of the lease; and

WHEREAS, the Township Administrator shall be responsible for the enforcement of the terms and conditions set forth in the Lease Agreement between the Township and the Atlantic City Electric Company.; and

WHEREAS, the governing body wishes to authorize the Lease Agreement with the Atlantic City Electric Company. in accordance with the provisions of State Law.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the governing body of the Township of Little Egg Harbor does hereby authorize the Mayor and Municipal Clerk to execute a Lease Agreement, in a form acceptable to the Township Attorney, between the Township of Little Egg Harbor and the Atlantic City Electric Company for a portion of the Property located at Block 124, Lots 10.01 and 67, more commonly known as 1363 Route 539 in the Township of Little Egg Harbor, as delineated pursuant to Schedule A, hereto attached, for the term of one (1) year commencing on June 1, 2020 and ending on May 31, 2020.

SECTION 2. This lease is authorized pursuant to the provisions of N.J.S.A. 40A:12-15(k).

SECTION 3. Atlantic City Electric Company shall be required to pay the sum of \$1,500 per month for every month of the term of the Agreement with the Township of Little Egg Harbor.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

SECTION 7. That a certified copy of this lease be kept on file and made available for inspection during normal business hours in the Municipal Clerk's office.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 14th day of May, 2020, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 11th day of June, 2020, at 4:30 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

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