

ORDINANCE NO. 2017-3

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE LEASE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use to the highest bidder by open public bidding at auction or by submission of sealed bids after the required newspaper advertisements; and

WHEREAS, the Township of Washington is the owner of certain real property known as Block 48, Lot 76.46 (street address: 103 Springtown Road; and

WHEREAS, said property is not needed for public use, and it is the Township's intention to lease the property for the operation of a wireless communications tower and related facilities; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to lease the aforementioned property to the highest bidder.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey, that:

The property known as a Block 48, Lot 76.46 hereinafter referred to as "Springtown Road Tower Site" shall be offered for lease to the highest bidder by submission of sealed bids, pursuant to N.J.S.A. 40A:12-14. Said bids shall be opened at the Municipal Building, 211 St. Route 31 North, Washington, New Jersey on such date as to be determined by the Township Committee,

BE IT FURTHER RESOLVED that the lease of the subject property shall be offered for public bidding as set forth below and shall be leased pursuant to the further expressed conditions enumerated below:

1. The term of the lease shall be for 15 years including two (2) 5 year extensions. At the conclusion of the term, the lease of the property and all rights to the property shall revert back to the Township of Washington.
2. Bidders shall submit a bid for a lump sum rent amount. There shall be no minimum bid requirement. In addition to the minimum rentals, there shall be paid 50% per year of the gross revenues that lessee receives from other users of the Tower Site who collocate on the Tower Site this payment shall be non-negotiable.

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3. The successful bidder shall meet all requirements, obligations and mandates of the Notice to Bidders and Information to Bidders.
4. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the bid opening. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
5. The successful bidder shall be required to obtain all applicable permits, approvals and licenses at its' own expense.
6. The bid shall be awarded to the highest bidder (or all bids shall be rejected) at a Township Committee meeting subsequent to the adoption of the Ordinance, pursuant to the bid documents.
7. This lease bid shall be advertised by the Township Clerk in accordance with State law.
8. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.
 - c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Monday through Friday between 8:30 am and 4:30 pm, telephone number (908) 689 7200.
 - d. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the bidder.
9. Copies of the Lease Documents, which shall, in large part, consist of the Information to Bidders and Notice to Bidders will be available at the office of the Township Clerk, Municipal Building, 211 St. Route 31 North, Washington, New Jersey 07882, after final passage of Ordinance.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Washington held on January 17, 2017, at 7:30 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on February 21, 2017, at 7:30 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 211 St. Route 31 North, Washington, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Anna C. Godfrey, RMC/CMR
Municipal Clerk/Registrar
Township of Washington