

TOWNSHIP OF PENNSAUKEN

ORDINANCE NO. 2021:16

AN ORDINANCE AUTHORIZING AGREEMENT FOR ACQUISITION OF LEASEHOLD INTEREST, AND NON-EXCLUSIVE GROUND LEASE AGREEMENT, BETWEEN THE TOWNSHIP OF PENNSAUKEN AND 5324 ROUTE 38 PENNSAUKEN LAND HOLDINGS, LLC FOR PROPERTY KNOWN AS BLOCK 6113, LOT 5 WITH THE TOWNSHIP OF PENNSAUKEN

WHEREAS, 5324 Rt 38 Pennsauken Land Holdings, LLC (“Lessor”) is the fee owner of the real property commonly known at 5324 ROUTE 38, PENNSAUKEN, NJ 08109 (Block 6113, Lot 5); and

WHEREAS, 5324 Route 38 Pennsauken Land Holdings, LLC and the Township of Pennsauken (“Lessee”) are parties to a Monument Display Operating and Maintenance Agreement dated April 24, 2020, by and between 5324 Route 38 Pennsauken Outdoor, LLC and the Township; and

WHEREAS, Lessee desires to lease from Lessor and Lessor desires to lease to Lessee, subject to the terms and conditions set forth in the attached Non-Exclusive Ground Lease Agreement (Exhibit “A” hereto), a portion of Lessor’s Property where the monument display is located in order to facilitate Lessor’s performance of its obligations and exercise of its rights under the Monument Display Operating and Maintenance Agreement; and

WHEREAS, Lessee desires to promote the Township of Pennsauken by having the Township’s official seal on the Lessor’s property; and

WHEREAS, the Lessor’s property will contain public service messages and emergency messaging which will provide a public purpose; and

WHEREAS, this Non-Exclusive Ground Lease Agreement will promote and facilitate this public purpose; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, requires that the lease of real property by a public entity be authorized by Ordinance, and it is the desire of the Township Committee to enact this Ordinance authorizing same to comply with the terms and conditions of the Local Lands and Buildings Law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey, as follows:

ARTICLE I. AUTHORIZATION TO ENTER INTO LONG-TERM NON-EXCLUSIVE GROUND LEASE AGREEMENT WITH 5324 ROUTE 38 PENNSAUKEN LAND HOLDINGS, LLC

The Township Committee hereby authorizes the lease of a long-term leasehold interest in property owned by 5324 Route 38 Pennsauken Land Holdings, LLC at Block 6113, Lot 5. The Committee further authorizes the execution of such documents as may prove necessary for the Non-Exclusive Ground Lease Agreement. Said lease of land by the Township shall be subject to a Non-Exclusive Ground Lease Agreement between the Township and 5324 Route 38 Pennsauken Land Holdings, LLC. The lease of the interest in the property known as Block 6113, Lot 5, also known as 5324 Route 38, shall be for a period of twenty five (25) years.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

TOWNSHIP OF PENNSAUKEN

By: _____
Mayor

Attest:

Township Clerk