

ORDINANCE NO. 2025-01

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT,
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING
EXECUTION OF LEASE OF BOROUGH PROPERTY WITH THE KEYPORT GARDEN
CLUB FOR USE AS A COMMUNITY GARDEN**

WHEREAS, the Borough of Keyport is the owner of property located at Elizabeth Street and Church Street, otherwise known as Block 84, Lot 14; and,

WHEREAS, the Borough is authorized pursuant to N.J.S.A. 40A:12-14(c) to enter into a lease with a non-profit corporation of the State of New Jersey for a public purpose; and,

WHEREAS, the Keyport Garden Club is a non-profit corporation which is tax exempt under State and Federal Law; and,

WHEREAS, the Keyport Garden Club has previously leased the property from the Borough, and desires to continue to utilize this property as a community garden and execute a lease with the Borough to utilize this Borough-owned property, in accordance with N.J.S.A. 40A:12-14 and 15; and,

WHEREAS, the Mayor and Council of the Borough of Keyport has determined that it is in the best interests of the residents of the Borough to enter into a lease agreement with the Keyport Garden Club and formalize an arrangement for the use of Borough property for use of a community garden, which serves a beneficial public purpose; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, the County of Monmouth, in the State of New Jersey, that the Mayor or the Business Administrator is hereby authorized to enter and execute a lease agreement with the Keyport Garden Club for the use of Borough property (Block 84, Lot 14) as a community garden, which shall include the following terms:

1. **Consideration:** The Keyport Garden Club shall pay the Borough a yearly fee of \$1.00. The lease shall provide that the timing of those payments shall be established within the terms of the lease, so long as all final payments are made by December 31 of each year.
2. **Public Purpose:** The Lease shall provide that the use of the Borough property shall be for a community garden by the Keyport Garden Club, a non-profit, for an inherent public purpose within the meaning of N.J.S.A. 40A:12-15(i).
3. **Term of Lease:** The Lease shall be for five years.
4. **Termination Clause:** The Lease shall provide that if the lease shall be terminated the Keyport Garden Club fails to adhere to the terms of the Lease and/or applicable law. The Lease shall also provide that the Borough of Keyport shall have the right to terminate the Lease with thirty days' notice.

5. Duty to Report: The Keyport Garden Club shall annually submit a report to the Borough Administrator of the Borough of Keyport, which sets forth the following: the use to which the leasehold was put during each year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; an accounting of monies collected for use of Garden Club; and, an affirmation of the continued tax-exempt status of the non-profit corporation pursuant to both State and Federal law.
6. Gardener Fee: The Keyport Garden Club shall establish the fee to be charged to gardeners by those who utilize the community garden, which shall be memorialized by the execution of a user agreement with the Garden Club.
7. User Agreement: The Keyport Garden Club agrees to manage the use of the community garden in accordance with applicable laws, rules, and policies for a public property that is utilized as a community garden.

BE IT FURTHER ORDAINED that the Borough Administrator is hereby authorized to take such actions required to effectuate the terms of this Ordinance, including the preparation and execution of any documents relating thereto.

BE IT FURTHER ORDAINED that if any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not impact the remaining parts of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately and a copy of this Ordinance shall be available for public inspection at the offices of the Borough Clerk.

Introduced: March 4, 2025

Public Hearing: March 18, 2025

Reintroduced: March 18, 2025

Public Hearing: April 1, 2025

Adopted:

Michele Clark, RMC
Borough Clerk

Rose P. Araneo, Mayor
Borough of Keyport