

**CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 24-08

**AN ORDINANCE AUTHORIZING ENTRY INTO LEASE BETWEEN THE
CITY OF ENGLEWOOD AND FLAT ROCK BROOK NATURE
ASSOCIATION, INC.**

WHEREAS, the City of Englewood entered into a lease with the Flat Rock Brook Nature Association, Inc. (“Flat Rock”), dated July 20, 1976, which term was extended by Ordinance and Lease Extension Agreement through July 31, 2036 (“Prior Lease”), by which the City leased to Flat Rock the premises heretofore designated as Green Acre lands and currently known and designated as Lot 1 in Block 3705, Lot 44 in Block 3501, Lot 13.01 in Block 3501, and Lot 5 in Block 3601, together with management of those areas for which conservation easements have been granted to the City of Englewood, including a portion of Lot 31 in Block 3501 and a portion of 9.01 in Block 3501; and

WHEREAS, the parties wish to enter into a new lease (“Lease”) to continue the use and purpose as provided in the current lease, and to update certain provisions including but not limited to those required to be in place by the Green Acres Program administered by the New Jersey Department of Environmental Protection (the “Department”); and

WHEREAS, the Lease that is the subject of this Ordinance shall supersede and replace the Lease currently extended through July 31, 2036; and

WHEREAS, the Flat Rock Brook Nature Association, Inc. is a nonprofit corporation of the State of New Jersey whose purposes include the proper management and conservation of lands in their natural state and educational programs to further the study of nature, for the promotion of the health, safety, morals and general welfare of the citizens of the City of Englewood; and

WHEREAS, *N.J.S.A. 40A:12-15* permits the City to enter into such lease for the purposes stated therein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, pursuant to *N.J.S.A. 40A:12-14* and *15*, as follows:

1. The City Manager is hereby authorized to execute, and the City Clerk to attest, the Lease between the City of Englewood and Flat Rock Brook Nature Association, Inc., containing among other things the following provisions:

A. The extended term shall be for a period of forty (40) years commencing September 1, 2024.

B. The rent for the demised premises shall continue at the rate of \$1.00 per year.

C. The description of the demised premises is as follows: "Block 3705, Lot 1; Block 3501, Lot 44; Block 3501, Lot 13.01"

In addition to the foregoing, for management purposes, the demised premises shall also include conservation easements granted to the City of Englewood across a portion of Lot 31 in Block 3501 and a portion of Lot 9.01 in Block 3501. In addition to the foregoing, the demised premises shall include any other premises acquired by the city of Englewood or upon which the City of Englewood is granted a conservation easement which abuts the foregoing premises and which are designated by the City of Englewood as Green Acre lands during the term of the Lease.

D. The limits of liability insurance and property insurance shall be as stated in the Lease as revised, in reasonable amounts to be approved by the City Solicitor through the term of the Lease.

2. As a condition for the entry into the Lease, Flat Rock Brook Nature Association, Inc. shall annually submit a report to the City Manager setting out the use to which the leased premises were put during each year, the activities of the Flat Rock Brook Nature Association, Inc. undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value of costs, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax exempt status of the Flat Rock Brook Nature Association, Inc., pursuant to both state and federal law.

Section 2: If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or repeal the remainder of this ordinance.

Section 3: All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4: This ordinance shall take effect immediately upon passage and publication as required by law.

ORDINANCE #24-08

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ENGLEWOOD AND FLAT ROCK BROOK NATURE ASSOCIATION, INC.**

RECORD OF VOTE

FIRST READING DATE: July 16, 2024

COUNCIL	MOTION	VOTE
Cobb		Y
Rosenzweig	X	Y
Wisotsky		Y
David		Y
Wilson		Y

DATE PUBLISHED IN THE RECORD: July 24, 2024

DATES PUBLIC HEARINGS HELD: August 6, 2024

DATE SECOND READING HELD: August 6, 2024

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Rosenzweig						
Wisotsky						
David						
Wilson						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the Mayor and
Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk