

CITY OF ABSECON

ORDINANCE 19-2024

**AN ORDINANCE AUTHORIZING THE ENTERING INTO OF A LEASE AGREEMENT
BETWEEN THE CITY OF ABSECON AND AMERICAN LEGION POST 28**

WHEREAS, the City of Absecon and American Legion Post 28 wish to enter into a Lease Agreement, a copy of which is attached to this Ordinance as Exhibit "A" and specifically incorporated herein by this reference; and

WHEREAS, the purpose of the Lease Agreement is to fulfill the public purpose of the placing of a sign on the leased premises; and

WHEREAS, said sign shall contain announcements concerning the business of the American Legion but shall also display community and public service information; and

WHEREAS, the American Legion shall also allow the City of Absecon to display information and notices in emergencies; and

WHEREAS, entering into this Lease Agreement shall be a benefit to the health, safety and welfare of residents and visitors to the City of Absecon.

NOW, THEREFORE, BE IT ORDAINED, by Mayor and Council of the City of Absecon, County of Atlantic, State of New Jersey as follows:

1. The Mayor of the City of Absecon is authorized to enter into and sign the attached Lease Agreement on behalf of the City of Absecon
2. All other appropriate officials of the City of Absecon are authorized to take any and all actions necessary to fulfill and satisfy the purpose of this Ordinance and the attached Lease Agreement.
3. This Lease Agreement shall only become effective upon the adoption and publication of this Ordinance and further upon proof submitted by Absecon American Legion Post 28 that it is a non-profit corporation or association.
4. The consideration to be paid by American Legion Post 28 to the City of Absecon pursuant to the attached Lease Agreement shall be One Dollar (\$1.00) per year.
5. The Persons benefitting from the public purpose, of the placement of the sign, and other activities of the American Legion shall be the public, the motoring public, the members of American Legion Post 28 and any and all other individuals who view the sign to be placed as a condition of the Lease Agreement attached hereto.

6. The term of the Lease shall be ten (10) years with three potential renewals of five (5) years upon agreement of the parties.
7. The Officer in charge of enforcement of the conditions of this Lease shall be the City Administrator or his/her designees.
8. Absecon American Legion Post 28 must as a condition of the Lease Agreement submit an annual report to the City Administrator of the City of Absecon stating the use to which the leased premises was put during the year, the activities of the American Legion undertaken in furtherance of that public purpose, the approximate value or cost, if any, of such activities in furtherance of such public purpose and an affirmation of the continued tax exempt status of the non-profit corporation pursuant to both State and Federal Law.

Severability

If any section or part of this Chapter is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from this Chapter as a whole and the remaining sections or parts of this chapter shall remain in full force and effect.

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: November 7th, 2024

SIGNED: 
Kimberly Horton, Mayor

ATTEST: 
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on October 3rd, 2024.
Laid over and advertised for public hearing and final adoption on November 7th, 2024. Notice is
hereby given that the foregoing Ordinance was approved for final adoption by the Municipal
Council of the City of Absecon at a regular meeting held on November 7th, 2024.