

**TOWNSHIP OF FRANKLIN  
ORDINANCE 3841**

**ORDINANCE AUTHORIZING FIRST AMENDMENT TO THE APRIL 10, 1995 LEASE  
BETWEEN THE TOWNSHIP OF FRANKLIN AND THE EAST FRANKLIN FIRE COMPANY.**

**SUMMARY**

An Ordinance authorizing the First Amendment to the April 10, 1995 Lease between the Township of Franklin and the East Franklin Fire Company with respect to a portion of real property identified on the Township's Tax Maps as a portion of Lot 2.01 in Block 242, to renewal same and extend the Term thereof.

**WHEREAS**, on April 10, 1995, the Township of Franklin ("Lessor" or "Township") and the East Franklin Fire Company ("Lessee") entered into a Lease Agreement, whereby the Lessor leased to the Lessee a portion of certain real property described in Exhibit A thereto, which is more commonly known as a portion of Lot 2.01 in Block 242 on the Tax Maps of the Township (the "Premises"); and

**WHEREAS**, the April 10, 1995 Lease Agreement provided, in Paragraph 2 thereof, for an initial lease term of five (5) years, which expired on April 10, 2000 and was not subsequently renewed or otherwise extended, thereby creating a hold over tenancy pursuant to Paragraph 21 of the April 10, 1995 Lease Agreement in accordance with the terms thereof; and

**WHEREAS**, after ensuing discussions between the Lessor and the Lessee, the Parties are desirous of renewing the April 10, 1995 Lease Agreement, and amending and extending the Term thereof to provide for an initial Term of five (5) years, which shall be automatically renewed for additional, incremental Terms of five (5) years each thereafter, provided that the aggregate of the initial Term and any automatic renewals thereof shall not exceed twenty five (25) years, and provided further that the Lease is not otherwise terminated by notice given by either Party on 60 days written notice in accordance with Paragraph 27 of the April 10, 1995 Lease Agreement prior to the expiration of the initial Term or any automatic renewal thereof; and

**WHEREAS**, in order to effectuate the foregoing described renewal of the April 10, 1995 Lease Agreement, and the extension of the Term pursuant to the First Amendment to the Lease Agreement which appears in substantially the form appended to this Ordinance, the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the "LLBL") authorizes municipalities such as the Township to adopt an ordinance authorizing the lease of real property such as the Premises to nonprofit entities such as the East Franklin Fire Company for public purposes; and

**WHEREAS**, the Township Council is desirous of authorizing the First Amendment to the Lease Agreement appended hereto since same will serve a public purpose, namely, providing assistance to a volunteer fire company of this Township by continued lease of real property for parking purposes; and

**WHEREAS**, on the basis of all of the foregoing Recitals, the Township Council desires to approve this Ordinance renewing and extending the Term of the April 10, 1995 Lease Agreement with the East Franklin Fire Company, all in accordance with the First Amendment appended hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

**SECTION I**

The First Amendment to the April 10, 1995 Lease Agreement between the Township of Franklin and the East Franklin Fire Company be and hereby is, approved in substantially the form appended hereto, for the reasons set forth in the above Recitals, which are incorporated herein by reference as if set forth at length.

**SECTION II**

The Mayor and the Township Clerk be and hereby are authorized and directed to execute, on the Township's behalf, the First Amendment to the April 10, 1995 Lease Agreement in substantially the form appended hereto.

**SECTION III**

Each clause, section or subsection of this Ordinance shall be deemed a separate provision to the extent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

**SECTION IV**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION V**

This Ordinance shall take effect immediately upon adoption and publication according to law.

**ORDINANCE NO. 3841**

This is a true copy of an Ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: July 14, 2009  
Public Hearing: August 11, 2009  
Adoption: August 11, 2009  
Notice of Adoption:  
Effective Date:

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Ann Marie McCarthy, Township Clerk