

**LEGAL NOTICE
ORDINANCE NO. 14
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AUTHORIZING AN IRREVOCABLE LEASE AGREEMENT BETWEEN THE
TOWNSHIP OF WAYNE AND WAYNE LITTLE LEAGUE**

WHEREAS, the Township of Wayne is the owner of Dotterweich Field Complex designated as Block 2100, Lot 19 on the Tax Assessment Map of the Township of Wayne, more commonly known as 191 Laauwe Avenue, Wayne, New Jersey; and

WHEREAS, Wayne Little League is a non-profit corporation whose mission is to provide a safe, instructional and fun environment for children ages 4-16 to play little league baseball; and

WHEREAS, Wayne Little League has been using and maintaining the three (3) baseball fields located at the Dotterweich Field Complex since the 1960's; and

WHEREAS, Wayne Little League is applying to the Passaic County Open Space, Farmland and Historic Preservation Trust Fund ("OSTF") for grant funding for the development of the fields and other recreational facilities in furtherance of its public outdoor recreation purposes; and

WHEREAS, the OSTF Rules and Regulations at Chapter 10, ¶1(f) require that a development project shall be located on land that is owned in fee simple by the nonprofit, or on land for which the nonprofit has obtained an irrevocable lease approved by the County for at least 25 years; and

WHEREAS, N.J.S.A. 40A:12-14 of the Local Lands and Buildings Law provides, in relevant part, that any municipality may lease any real property, capital improvement or personal property other than real property otherwise dedicated or restricted pursuant to law; and

WHEREAS, specifically, N.J.S.A. 40A:12-14(c) provides that in the case of a lease to a nonprofit corporation or association for a public purpose, the lease shall be authorized by ordinance and may be for nominal or other consideration and that said authorization shall include the following:

1. nominal or other consideration for the lease;
2. the name of the corporation or corporations who shall be the lessees;
3. the public purpose served by the lessee;
4. the number of persons benefiting from the public purpose served by the lessee, whether within or without the municipality in which the leasehold is located; and
5. the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease; and

WHEREAS, N.J.S.A. 40A:12-14(c) further provides that the ordinance shall also require any nonprofit corporation holding a lease for a public purpose to annually submit a report to the officer, employee or agency designated by the governing body, setting out 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; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

WHEREAS, N.J.S.A. 40A:12-15(i) provides that a leasehold may be made for a term not in excess of 50 years and extended for an additional 25 years by ordinance thereafter for any county or municipal public purpose, including, but not limited to any activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association; and

WHEREAS, the Township is willing to lease the Dotterweich Field Complex property to Wayne Little League for an irrevocable term of 25 years for the sum of \$1.00 as consideration in furtherance of the public purpose of providing public outdoor recreation to the residents of Wayne; and

WHEREAS, the parties have agreed to such terms and conditions as set forth herein and memorialized in the Lease Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. In accordance with the provisions of N.J.S.A. 40A:12-14, the Mayor and Township Clerk are hereby authorized to execute an irrevocable Lease Agreement with Wayne Little League for its property known as Dotterweich Field Complex and designated as Block 2100, Lot 19 located as 191 Laauwe Avenue, Wayne, New Jersey.

SECTION 2. The term of the Lease shall be for twenty five (25) years, commencing upon execution of the attached Lease Agreement for one (1) dollar. The Lease Agreement, a copy of which shall be on file in the Office of the Township Clerk, is hereby approved.

SECTION 3. In accordance with N.J.S.A. 40A:12-14(c), the Township Council hereby designates the Director of Parks & Recreation as the employee responsible for enforcement of the conditions of the lease.

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

ATTEST:

PAUL V. MARGIOTTA
TOWNSHIP CLERK

RICHARD JASTERZBSKI
PRESIDENT OF THE COUNCIL

NOTICE

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of March 10, 2021 and April 14, 2021.

PAUL V. MARGIOTTA
Township Clerk

This ordinance is hereby
approved this 8th day
of April 2021.

ADOPTED ON: April 7, 2021

CHRISTOPHER P. VERGANO, Mayor