

**ORDINANCE NO. 1152-2021**

**AN ORDINANCE AUTHORIZING A LEASE WITH THE CLINTON TOWNSHIP ORGANIC COMMUNITY GARDEN, INC. PERTAINING TO A PORTION OF BLOCK 88, LOT 3.02, ALSO KNOWN AS THE “WHITE CLOUD ORCHIDS” PROPERTY IN THE TOWNSHIP OF CLINTON**

**WHEREAS**, the Township of Clinton is the owner of a 0.5+ acre parcel in the Township designated as a portion of Block 88, Lot 3.02 on the Township tax maps, and located off of Red School House Road, commonly referred to as the “White Cloud Orchids” property (the “**Property**”), which has been used for the Clinton Township Organic Community Garden (“**Community Garden**”); and

**WHEREAS**, the Community Garden has thrived and expanded to benefit the Clinton Township community over the past several years; and

**WHEREAS**, a group of Township residents filed with the State of New Jersey, Division of Taxation, to form the Clinton Organic Community Garden Inc., a nonprofit corporation (“**COCG Nonprofit**”), whose purpose is to beautify, conserve and provide public access to open space by creating opportunities for residents of Clinton Township and its surrounding areas to engage in organic gardening, in a friendly, welcoming setting that respects the environment; and

**WHEREAS**, the COCG Nonprofit desires to assume responsibility for and continue operation of the Community Garden on behalf of the residents of Clinton Township and its surrounding areas in substantially the same manner as it has been operated in the past; and

**WHEREAS**, *N.J.S.A. 40A:12-14(c)* of the Local Lands and Buildings Law authorizes a municipality to lease property to a nonprofit for public purposes and *N.J.S.A. 40A:12-15(j)* specifically authorizes a municipality to enter into a lease with a nonprofit corporation for the purpose of gardening; and

**WHEREAS**, the Property is subject to the General Provisions of the Green Acres Program regulations (*N.J.A.C. 7:36 et seq.*) and the COCG Nonprofit has agreed to comply with said regulations; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interests of Clinton Township to enter into a ten-year lease with the COCG Nonprofit to operate the Township’s Community Garden;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

**Section 1. Preamble Incorporated.** The statements and findings set forth in the preamble above are hereby incorporated as if fully restated herein.

**Section 2. Lease of a Portion of Block 88, Lot 3.02.** Pursuant to *N.J.S.A.* 40A:12-14 and 40A:12-15, the Municipal Council hereby authorizes the lease of the Property to the COCG Nonprofit for the purpose of operating the Community Garden for the benefit of the citizens of Clinton Township and surrounding areas, as described in Section 1 above, subject to the following conditions:

- A. Term: Initial period of five (5) years with options for renewal.
- B. Consideration: Ten (\$10.00) Dollars.
- C. Compliance with Green Acres Regulations: The COCG Nonprofit shall conduct all activities on the Property in accordance with Green Acres regulations, as more particularly described in *N.J.A.C.* 7:36 et seq.
- D. Insurance: The COCG Nonprofit shall provide the Municipal Clerk with a certificate of insurance for general liability. The COCG Nonprofit insurance shall be primary as to any other insurance.
- E. The COCG Nonprofit shall submit annual reports to the Township addressing operations and a fiscal summary.

**Section 3. Municipal Council Responsible for Enforcement of Lease and Renewal.**  
The Municipal Council is hereby designated as the entity responsible for enforcement of the lease and renewal thereof.

**Section 4. Authority to Implement Terms of Conveyance.** The Mayor, Administrator, Clerk, Township Attorney, and other appropriate staff and officials are hereby authorized and directed to negotiate, prepare, and execute any and all such documents and undertake any and all such acts as may be needed to implement the terms hereof.

**Section 5. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**Section 6. Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not affect the validity of the remaining paragraphs or sections hereof.

**Section 7. Effective Date.** This ordinance shall take effect upon its passage and publication and in accordance with all applicable statutory requirements.

ATTEST:

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Carla Conner, Township Clerk

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Brian Mullay, Mayor

Introduced: April 14, 2021  
Adopted: May 12, 2021