

BOROUGH OF FRANKLIN

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN
AUTHORIZING RE-EXECUTION OF A
GROUND LEASE WITH THE
FRANKLIN HISTORICAL SOCIETY**

ORDINANCE #6-2010

WHEREAS, in 2007, the Mayor and Council authorized a Lease Agreement with Franklin Historical Society, a non-profit corporation of the State of New Jersey, to relocate a building known as the Edison Schoolhouse/Hungarian Church to property owned by the Borough known as Block 32, Lot 1 on the Franklin Borough Tax Map, also known as 94 Main Street, Franklin Borough;

AND WHEREAS, it has been determined that Councilman John Snowden had a conflict of interest in approving the lease agreement and the Municipal Attorney has given the opinion that the Ordinance and the resulting Lease are *Void Ab Initio*;

AND WHEREAS, the Franklin Historical Society is in default of its lease;

AND WHEREAS, the Governing Body has determined that the lease should be re-executed and the conditions extended;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Franklin as follows:

Section 1. The Municipal Attorney shall draft an extension to the existing Conditional Ground Lease Agreement with all of the same terms and conditions, except the Certificate of Occupancy deadline shall be extended until 9/1/10. This Ordinance is conditioned upon the Historical Society and its Lender signing the Lease extension within 20 days. In the event that the Historical Society or its Lender fails or refuses to sign this Lease, the Lease and this Ordinance shall be void and of no effect.

Section 2. The Mayor and Borough Clerk are authorized to sign the Lease extension on the behalf of the Borough of Franklin.

Section 3. Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. Effective Date. This ordinance shall take effect after publication and passage according to law.

Paul Crowley, Mayor

ATTEST:

Patricia A. Leasure, Borough Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on June 22, 2010, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on July 13, 2010, at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

Patricia A. Leasure, Borough Clerk