

**ORDINANCE NO. 2136-15**

**AN ORDINANCE MODIFYING THE LEASE AGREEMENT BETWEEN THE BOROUGH OF HAWTHORNE AND THE HAWTHORNE BOYS AND GIRLS CLUB FOR PROPERTY KNOWN AS LOT 8 IN BLOCK 48, AND OTHER RELATED LOTS AND BLOCKS THAT FORM A PART OF THE BOYS AND GIRLS CLUB PROPERTY, ALL AS REFLECTED ON THE TAX MAP OF THE BOROUGH OF HAWTHORNE, SO AS TO PERMIT MORTGAGE FINANCING.**

BE IT ORDAINED by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

WHEREAS, the Borough of Hawthorne is the owner of certain real property located at the westerly terminus of Franklin Avenue and Maitland Avenue known as Lot 8 in Block 48, as well as certain additional related lots and blocks that form the Hawthorne Boys and Girls Club property, all as set forth on the Tax Map of the Borough of Hawthorne; and

WHEREAS, the Borough of Hawthorne previously entered into a lease agreement relative to such property with the Hawthorne Boys Club, now known as the Hawthorne Boys and Girls Club, a non-profit organization, with principal facility located in the Borough of Hawthorne on said parcel; and

WHEREAS, the lease agreement, dated October, 1972, was for a term of 50 years, the maximum term authorized by law; and

WHEREAS, the said lease agreement was extended for an additional 25 years, measured from the expiration of the original lease term, schedule for October of 2022, all as set forth in a lease Extension Agreement dated June 12, 2013; and

WHEREAS, the Hawthorne Boys and Girls Club has made significant improvement to the property including the creation of a multi-purpose building and intends to make further improvement to the property in furtherance of its mission to provide recreational, educational and civic services to members of this community and the greater region; and

WHEREAS, in order to continue to serve the public, expand facilities and programs, and plan for the future, the Hawthorne Boys and Girls Club has required financing for construction and expansion purposes; and

WHEREAS, financing has been in place on an historic basis, most recently dating back to approximately 14 years ago when the Boys and Girls Club undertook a major expansion of its facility; and

WHEREAS, the original lease agreement, dating back to 1972, does not permit financing encumbering the property; and

WHEREAS, the original lease agreement was created at a time when the then Boys Club was a significantly smaller operation serving a much more limited segment of the community; and

WHEREAS, continued viability of the Club and ability to expand so as to better serve the community is only possible through private funding including institutional mortgage lending as has historically taken place;

NOW, THEREFORE, BE IT ORDAINED, that the lease agreement between the Borough of Hawthorne and the Hawthorne Boys and Girls Club be amended so as to permit the existence or creation of financing, including mortgage lending encumbering the said property, related to the operation, improvement or expansion of the facility consistent with the purposes of the lease; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk be and the same are authorized to execute and deliver an amendment to the lease agreement, which may also contain provision correcting the listing of the lots and blocks that are part of the Boys and Girls Club Property, all in a form deemed acceptable to the Borough Attorney, with all other terms and condition of the lease agreement to remain in full force and effect.

This Ordinance shall take effect after final adoption and publication as provided by law.

Frank Matthews  
Council Vice President

Attest:  
Lori DiBella, RMC  
Borough Clerk

**NOTICE OF PENDING ORDINANCE**

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on April 15, 2015. It will be further considered for final passage after public hearing thereon at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on May 4, 2015, at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance , and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available on the borough website, [www.hawthornenj.org](http://www.hawthornenj.org), and at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC  
Borough Clerk

**THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON MAY 4, 2015.**

**ATTEST:**

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Lori DiBella, RMC  
Borough Clerk

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Frank E. Mathews  
Council Vice President

**APPROVED:**

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Richard S. Goldberg  
Mayor