

MOORESTOWN TOWNSHIP

ORDINANCE NO. 6-2011

ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING PUBLIC BIDDING TO LEASE TOWNSHIP PROPERTY FOR USE FOR WIRELESS TELECOMMUNICATIONS FACILITIES ON A PORTION OF 601 EAST THIRD STREET (“PUBLIC WORKS SITE”)

WHEREAS, Moorestown Township is the owner of property at Block 6000, Lot 11, more commonly referred to as 601 East Third Street, the Public Works property (the “Property”); and

WHEREAS, the Township has received a request and desires to lease space to permit wireless telecommunications facilities to locate on the Property, which benefits the Township by providing a suitable location for such use and by providing a source of revenue; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq. provides for the leasing of public property at auction to the highest bidder upon authorization of the Township Committee; and

WHEREAS, the Township Council of the Township of Moorestown desires to lease out space for the benefit of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT:

Section 1. The Township hereby authorizes and directs that a lease on a portion of the property at Block 6000, Lot 11, more commonly referred to as 601 East Third Street, the Public Works property (the “Property”) be placed out to sealed bid in accord with the provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq. and this Ordinance. Said space shall consist of the lease area reflected on “Equipment Plan” prepared by CMX Engineers dated July 6, 2009 and incorporated herein by reference.

Section 2. The Township Manager, Chief Financial Officer, Clerk and Solicitor are hereby further authorized to undertake any and all other necessary actions for the implementation of this bid process.

Section 3. Severability: If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof.

Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Repealer. All ordinances inconsistent with this ordinance are hereby repealed only to the extent of said inconsistency.

Section 5. Effective Date. This ordinance shall take effect 20 days after publication and according to law.

Section 6. Short Title. This ordinance shall be known as Ordinance No. 6-2011.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on March 28, 2011. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on April 11, 2011 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC

Township Clerk