

BOROUGH OF MOUNTAIN LAKES COUNTY OF MORRIS

THE SOLICITATION OF RE-BID FOR THE LEASE OF MUNICIPAL PROPERTY (RAILROAD STATION)

WHEREAS, the Borough desires to solicit bids for the lease of certain municipal property owned by and located in the Borough, together with the structure located thereon described as follows:

The Railroad Station and parcels of surrounding and nearby lands, situate in the Borough of Mountain Lakes, the same having all been acquired by deed from the Delaware, Lackawanna & Western Railroad Company dated October 23, 1959 in Book G-70 of Deeds, page 278, and being as shown on a certain map entitled "D.L. & W.R.R., Map Showing Property To Be Conveyed to Boro. of Mt. Lakes in Boro. of Mt. Lakes, Morris Co., New Jersey" dated January 20, 1958 (revised October 13, 1959 and November 2, 1959) and prepared by the Office of Div. Eng'r (D.L.&W.R.R.), Hoboken, N.J.

WHEREAS, the terms and conditions of the lease shall be as follows :

1. The minimum acceptable annual rental bid shall be \$36,000.00 which is the current base rent (\$3,000.00 /month). The annual rental shall be adjusted at the time the successful bidder executes a lease agreement and takes possession of the property which may be on December 15, 2017. The annual rent bid shall be adjusted by three percent (3%) annually calculated on the renewal date. Monthly rental payments shall be due and payable on the first of each month;
2. The tenant shall be responsible for paying all utilities, maintenance and expenses with the exception of real estate taxes;
3. A deposit equivalent to four (4) months of the bid rent shall be made at the time of bidding, in cash or by certified check, which said amount shall be held for one or both of the following:
 - a. In the event the successful bidder fails to enter into an executed lease within the time set forth herein after the award of bid, said deposit shall be forfeited to the Borough;
 - b. In the event the successful bidder shall sign the lease, one-fourth of said deposit shall constitute the first month's rent, and the balance shall constitute security under the lease, both to be adjusted as provided above.
4. The initial lease period shall be for four (4) years to commence on the first day following the vacancy of the present lessor on December 15, 2017 and shall terminate four years thereafter with options to renew for successive periods of two (2) years, up to a maximum of three (3) renewal terms for a total of six (6) years. The annual rent shall

be adjusted by three percent (3%) annually

5. The lease shall not be assignable, except with the express permission of the Borough Council, and upon conditions to be set by it. The Council shall not unreasonably deny permission, nor set unreasonable conditions.

6. The successful bidder shall sign a lease, substantially in the form available for inspection at the office of the Borough Clerk and approved by the Borough Attorney.

7. Said land and premises shall not be used for any purpose other than a restaurant operation, except with the express permission of the Borough Council, and subject to site plan review and approval if required by ordinance. Bidder must demonstrate proof of experience successfully operating a restaurant.

8. The tenant shall be solely responsible for securing a liquor license from the State of New Jersey.

9. Outside dining shall be allowed up to 10:00 P.M. weekdays (Monday through Thursdays) and 11:00 P.M. on weekends (Friday through Sundays).

10. No physical changes/alterations to the facility shall be allowed unless approved by the Borough Council. Any physical improvement, fixture or appliance shall be the property of the lessor upon termination.

11. The tenant shall be responsible for the maintenance and upkeep of the property, including but not limited to, lawn maintenance, snow removal, garbage collection and removal.

12. The tenant shall provide the Borough with a minimum of ninety (90) days advance written notice of the tenant's intent not to renew the annual lease.

BE IT FURTHER RESOLVED that the Borough shall reserve the right to reject all bids if the highest bid is not acceptable; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish the public notice to bidders by two insertions at least once a week for two consecutive weeks, the last publication to be not earlier than seven days prior to the letting of the lease.

BE IT FURTHER RESOLVED bids are to be submitted no later than 11:00AM on September 13, 2017 at which time they shall be opened and read aloud.

By: Richard Sheola
Borough Manager