

Mr. Francy offered the following Resolution and moved on its adoption:

**RESOLUTION
R-11-49
BOROUGH OF HIGHLANDS**

**RESOLUTION OF THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
FOR BLOCK 56, PART OF LOT 13
(PART OF SAID LOT LOCATED EAST OF PRIVATE ROAD
WHICH IS DEPICTED AS BLOCK 56, LOT 9 ON THE
TAX MAP OF THE BOROUGH OF HIGHLANDS) LEASE EXTENSION**

WHEREAS, The Borough of Highlands has title to the property known as Block 56, Lot 13 (more particularly the portion of which that is located east of Private Road [identified as Block 56, Lot 9]) on the Tax Map of the Borough of Highlands; and

WHEREAS, the hereinbefore mentioned property has been previously determined to not be needed for public use, which determination is herein again restated; and

WHEREAS, the identified property has been the subject of a land lease with Dan-Rob Restaurant Associates, LLC since 2003; and

WHEREAS, the Mayor and Council of the Borough of Highlands have been approached by Dan-Rob for a temporary extension of their lease through August 30, 2011; and

WHEREAS, The long term lease that has been in existence for this property has benefited the Borough of Highlands in creating revenue, has benefited those individuals who reside in the area of the lot by decreasing street parking and congestion by the utilization of the lot by Dan-Rob for valet parking for its facility Windanseas, and by the maintenance of a lot in a safe and reasonable condition; and

WHEREAS, Dan-Rob has agreed to certain terms and conditions to insure the effective use of the lot as well as decrease the impact of exiting patrons from their facility; and

WHEREAS, the Borough of Highlands is desirous of offering a last temporary extension of the property that has been leased to Dan-Rob since the original land lease auction in 2003, to continue to benefit the area and realize revenues;

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Highlands that the property known as Block 56, Lot 13 (more particularly the portion of which that is located east of Private Road [identified as Block 56, Lot 9]) on the Tax Map of the Borough of Highlands and which is identified on Schedule A attached hereto and which has been the subject of a lease agreement with Dan-Rob since on or about 2003, is hereby temporarily extended through August 30, 2011.

BE IT FURTHER RESOLVED, that the terms and conditions of the lease shall be substantially similar to those outlined in the prior lease agreement and shall include the following conditions and restrictions:

1. The extension of the lease shall be for June, July, August and September with a monthly rental of \$1,250.00 per month to be paid to the Borough of Highlands. Any arrears currently in existence shall be made current immediately and the payment of rents going forward shall occur on the 15th day of each month of this temporary extension and if not received, the lease extension shall immediately terminate and further use of the land prohibited.

2. A per diem fee of \$100.00 per day for the utilization of the lot for valet parking on days beyond the term of the lease identified herein above shall be paid to the Borough of Highlands for each day of use. The days which Dan-Rob intends to utilize the property for valet parking beyond the four month term outlined herein above must be approved in writing in advance of any such use, by the Borough Administrator in writing. But under no circumstances shall said use of land extend beyond August 30, 2011.

3. Dan-Rob shall continue its liability insurance which names the Borough of Highlands as an additional insured with defense and indemnity rights and protection identified on the certificate of insurance and defends the Borough of Highlands from any loss or claims arising out of the use of the lot. The insurance limits of liability coverage shall be a minimum of \$1,000,000.00. Dan-Rob shall continue to be responsible for all maintenance of the parking lot.

4. Dan-Rob shall maintain the property during the lease extension and may be required, at its own cost and expense, to have a Borough of Highlands Police Officer specifically assigned to special patrol of its property and location from 11:00 p.m. until 3:00 a.m. on Friday and Saturday nights throughout the term of this lease extension.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: February 2, 2011

Carolyn Cummins, Borough Clerk

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough of Highlands on the 2nd day of February, 2011.

CAROLYN CUMMINS, R.M.C.