

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2026-16

Title: **AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LOWER TO EXECUTE A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE DEPARTMENT OF THE ARMY, IN CONNECTION WITH DAVID DOUGLASS SR. MEMORIAL PARK**

WHEREAS, the Township of Lower is in the process of completing renovations and improvements to David Douglass Sr. Memorial Park, which is located adjacent to the Delaware Bay and is accessed by Beach Drive; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a), the Township of Lower is authorized, by ordinance, to acquire real property by lease and to accept lawful conditions, restrictions, or limitations concerning the use thereof; and

WHEREAS, the United States of America, acting by and through the Department of the Army, U.S. Army Corps of Engineers, has jurisdiction over certain real property consisting of approximately 0.46 acres of land utilized in connection with David Douglass Sr. Memorial Park, which property is more particularly described in Exhibits A, A-1, and B to the Lease Agreement annexed to this Ordinance; and

WHEREAS, the Department of the Army has offered to lease the property in question to the Township of Lower for a term of twenty-five (25) years in consideration for the Township operating and maintaining the property for the use and benefit of the general public in accordance with the terms and conditions of the Lease Agreement; and

WHEREAS, the acquisition of a leasehold interest in the property will permit the Township to proceed with the planned renovations and improvements to David Douglass Sr. Memorial Park and to continue to operate and maintain the property for the recreational use and benefit of the general public; and

WHEREAS, the Township Council of the Township of Lower has determined that the acquisition of the leasehold interest in the Premises and the execution of the Lease Agreement are in the best interests of the Township and will further a lawful public purpose.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, as follows:

Section 1. Pursuant to N.J.S.A. 40A:12-5(a), the Township Council of the Township of Lower hereby approves the acquisition of a leasehold interest in the property, more particularly described in Exhibits A, A-1, and B to the Lease Agreement annexed to this Ordinance, pursuant to the Lease Agreement between the United States of America, acting by and through the Department of the Army and the Township of Lower.

Section 2. The Mayor and Township Clerk are hereby authorized and directed to execute the Lease Agreement on behalf of the Township, with the Mayor's execution to be attested by the Township Clerk where required. The Mayor, Township Administrator, Chief Financial Officer, Township Attorney, Township Clerk, and other appropriate Township officers, employees, and professionals are further authorized to take all actions and execute all ancillary certifications, notices, applications, exhibits, acknowledgments, and other documents necessary or appropriate to effectuate the Lease Agreement and carry out the purposes of this Ordinance.

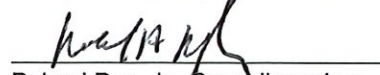
Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

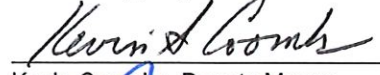
Section 4. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

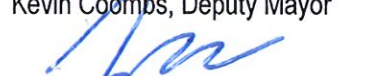
Section 5. This Ordinance shall take effect upon final passage and publication according to law.


Thomas Conrad, Councilmember

Joseph Wareham, Councilmember


Roland Roy, Jr., Councilmember


Kevin Coombs, Deputy Mayor


Frank Sippel, Mayor

First Reading:

Adopted: September 21, 2026

Attest: 
Karen S. Fournier, Township Clerk