

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 573-2025

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH MID-ATLANTIC
CENTER FOR THE ARTS, INC. (MAC) FOR A PORTION OF THE WELCOME
CENTER**

WHEREAS, N.J.S.A. 40A:12-14(c) provides that a municipality may by ordinance lease to a nonprofit corporation or association for a public purpose; and

WHEREAS, pursuant to N.J.S.A. 40A:12-15 (i), a leasehold for a term not in excess of 50 years may be made pursuant to this act and extended for an additional 25 years by ordinance or resolution thereafter for any county or municipal public purpose, including, but not limited to any activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association.; and

WHEREAS, the City leases the property known as 609 Lafayette Street and formally known as Block 1060, Lot 4.01 and 4.02 from the New Jersey Transit Corporation. The leased property includes the lands and building commonly known as the Welcome Center. The City is expressly authorized to sublease excess space subject to certain terms and conditions of the lease; and

WHEREAS, pursuant to Resolution No. 99-03-2024, the City awarded an auction for excess space in the Welcome Center building not needed for public use. The excess space subject to the auction is described as approximately 320 Sq. Ft. (16' x 20') on the Northwest corner of the Welcome Center building and awarded to Revolution Rail (the Revolution Rail Sublease); and

WHEREAS, pursuant to Resolution No. 327-12-2024, the City authorized a one-year extension of the Revolution Rail Lease with a term ending December 31, 2025 and subject to the City's renewal of its lease with New Jersey Transit, which expires April 30, 2025; and

WHEREAS, on April 29, 2025, the remaining portions of the Welcome Center became vacant, which include the second floor and designated portions of the first floor; and

WHEREAS, Mid-Atlantic Center for the Arts, Inc. (now known and trading as "Cape May MAC Museums + Arts + Culture" and referred to herein as "MAC"), is a New Jersey Non-Profit, and has proposed to lease the vacant space for use in connection with its exempt purposes and to reinforce and interpret the Welcome Center's place in history within the City of Cape May; and

WHEREAS, pursuant to N.J.S.A. 40A:12-15(i), the City finds that the Tenant is a non-profit organization organized and existing under the laws of the State of New Jersey which proposes to use and manage the Property in a manner that promotes the health, safety, morals and general welfare of the community, and as such, the Tenant is within the class of organizations eligible to lease the Property in accordance with the applicable provisions of the Local Lands and Building Law; and

WHEREAS, the proposed Lease is attached hereto as EXHIBIT A. The Lease proposes an initial term ending December 31, 2027 and potential for further extensions by mutual agreement and resolution of City Council consistent with N.J.S.A. 40A:12-15 (i); and

WHEREAS, in accordance with N.J.S.A. 40A:12-14(c), the proposed Lease sets forth the consideration for the lease (\$1.00 with the mutual promises contained therein); the name of the lessee; the public purpose served by the lessee; that the public will be the beneficiary of this lease; that the premises is located within the City; and that the City Manager will enforce the terms therein on behalf of the City.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cape May in the County of Cape May and State of New Jersey as follows:

SECTION 1. The City is hereby authorized to enter the Lease attached hereto as EXHIBIT A and incorporated herein by reference for the premises commonly known as the *Welcome Center Lease with MAC – Second Floor and Designated Portions of the First Floor*.

SECTION 2. Pursuant to N.J.S.A. 40A:12-14(c), MAC shall annually submit a report to the City Manager (i) setting forth the use to which the leasehold was put during each year, (ii) the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted, (iii) the approximate value or cost, if any, of such activities in furtherance of such purpose, and (iv) an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law.

SECTION 3. At the conclusion of the initial term, the City may authorize an extension of the Lease if approved by Resolution of City Council consistent with N.J.S.A. 40A:12-15 (i).

SECTION 4. The Mayor and City Clerk are hereby authorized to execute any and all instruments and to do all things necessary to effectuate the purposes hereof.

SECTION 5. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not effect or invalidate the remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. This Ordinance shall become effective 20 days after final passage and publication, according to law.


ATTEST:



Erin C. Burke, City Clerk

CITY OF CAPE MAY, a municipal corporation
of the State of New Jersey

BY:



Zachary M. Mullock, Mayor

NOTICE

Ordinance 573-2025 was introduced at a Regular meeting of the City Council of the City of Cape May, held on July 1, 2025 and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on August 5, 2025 at 1:00 P.M. at which time a Public Hearing was held.


Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier			X			
McDade	X					
Bodnar	X					X
Baldwin	X				X	
Mullock	X					

Introduced: July 1, 2025
1st Publication: July 16, 2025
2nd Reading & Adoption: August 5, 2025
Final Publication: August 13, 2025
Effective Date: September 2, 2025

cc: Operations Manager
Cape May MAC
CFO