

October 27, 2020

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2020-258

**RESOLUTION ABATING RENT DUE FROM BRADLEY BEACH MINI GOLF, LLC
FOR THE MINIATURE GOLF FACILITY ON THE BEACHFRONT PROMENADE,
AND AUTHORIZING A REFUND IN THE AMOUNT OF \$17,812.00**

Mayor Engelstad offered the following Resolution and moved its adoption:

WHEREAS, on or about March 28, 2013, the Borough of Bradley Beach (the “Borough”) entered into a Lease Agreement with Bradley Beach Mini Golf, LLC (“Tenant”) for the rental of the Borough’s Miniature Golf Course Facility on its beachfront promenade for ten (10) years; and

WHEREAS, under the Lease Agreement, Tenant paid \$44,530.00 to the Borough for its rental of the Miniature Golf Course Facility for the 2020 summer season; and

WHEREAS, due to COVID-19, Tenant was closed by governmental order and unable to utilize the leased premises for a substantial portion of the 2020 summer season; and

WHEREAS, because the COVID-19 crisis continues, and New Jersey civil courts remain closed to public, the legalities surrounding such leasing issues have not yet been determined under these circumstances and any applicable New Jersey law; and

WHEREAS, given their long-standing relationship, the Borough and the Tenant agree that the mutual avoidance of dispute in an unknown area of law is beneficial to all parties;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby abate the rent due from Bradley Beach Mini Golf, LLC for 2020 (Year Eight) under the parties’ Lease Agreement; and

BE IT FURTHER RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby authorize a refund to Bradley Beach Mini Golf, LLC in the amount of \$17,812.00; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough Administrator, Borough CFO, and Bradley Beach Mini Golf, LLC.

Seconded by Gubitosi and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Engelstad	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the October 27, 2020 meeting.


Erica Kostyz, RMC, CMR
Municipal Clerk