

**BOROUGH OF RARITAN  
COUNTY OF SOMERSET, STATE OF NEW JERSEY  
NOTICE OF PUBLIC LEASE BY AUCTION**

Pursuant to N.J.S.A. 40A:12-15, et seq., a public auction shall be conducted on Tuesday, July 22, 2008 at 8:00 p.m. in the Raritan Municipal Building, Council Chambers, 22 First Street, Raritan, New Jersey 08869 to lease approximately six acres of floodway land and flood plain land within Block 116.02, Lot 11, east of Busky Lane and south of Orlando Drive, approximately 300 feet deep and 900 feet long (map of said property is on file in the Borough Clerk's office) for use as a golf range and batting cages subject to the following:

1. If awarded the lease, the lessee must obtain all approvals from the Borough Boards and Departments, as well as obtain all Federal and State approvals, including, but not limited to the New Jersey Department of Environmental Protection, at the full expense of the lessee, and reimbursing any expenses of the Borough associated with obtaining such approvals, which approvals shall be obtained by December 31, 2008;
2. The term of the lease shall begin on January 1, 2009 and be for five years, with three five-year options, the auction bid consisting of the specific dollar amount per annum for the first five years, and thereafter to be as determined by the Borough if options are exercised;
3. The lessee shall indemnify the Borough of Raritan as a specifically insured party for a minimum of \$5,000,000.00 of liability coverage, and shall hold the Borough of Raritan harmless from any and all claims resulting from use of the premises, and shall indemnify the Borough of Raritan for any and all expenses incurred as a result of such use;
4. Annual rent shall be paid in three equal payments on April 15, June 15 and October 15 of each year. In the event any rent payment is more than ten days late, the lessee shall pay a 10% late fee, which will constitute additional rent. The minimum bid per annum acceptable to the Borough of Raritan for the first five-year term is \$20,000.00;
5. In addition to rent, the lessee shall be responsible for the payment of annual taxes on improvements upon said property;
6. The lessee shall be responsible for maintaining the premises in a safe and aesthetically appropriate manner. It shall be within the sole discretion of the Borough of Raritan as to whether maintenance of the property is being appropriately maintained. The Borough shall reserve the right to provide notice to the lessee in the event the Borough determines in its sole discretion that the property is not being maintained appropriately, and the lessee shall

be granted 60 days to bring the property into acceptable condition. Thereafter, if, within the Borough's sole discretion, the property has not been adequately maintained, the Borough may terminate the lease;

7. The Borough of Raritan may, in its sole discretion, terminate the lease at any time, including within the option terms, by providing the lessee with one year's written notice of an intention to do so, and the lease will thereafter terminate; and
8. Within five days after the award of the bid, the bidder awarded the lease must pay the Borough 10% of the per annum bid awarded, which amount shall be applied to the first year's rent, and shall not be refunded in the event the bidder fails to obtain the governmental approvals referenced in Paragraph 1 by December 31, 2008.

Pamela A. Huefner, RMC, CMR  
Raritan Borough Municipal Clerk