

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**



NOTICE TO BIDDERS

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING
ADVERTISEMENT OF NOTICE OF SEALED BID OPENING FOR A
LEASE OF A PORTION OF THE NESBITT CENTER BUILDING
PURSUANT TO N.J.S.A. 40A:12-14(a) OF THE LOCAL LANDS AND
BUILDING LAW**

WHEREAS, the Borough of Wildwood Crest is the owner of certain property and improvements owned by the Borough known as the Nesbitt Center Building located at Rambler Road and the Beach, Borough of Wildwood Crest, and designated as a portion of Lot 1 in Block 68.06 on the municipal tax map which contains a Café area that is not needed for public purposes (the “Café”); and

WHEREAS, it is in the best interest of the Borough to lease the Cafe by sealed bid pursuant to N.J.S.A. 40A:12-14(a).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, that the Borough Clerk is hereby authorized to advertise this Notice to Bidders in *The Herald of Cape May County* on January 29, 2025 and February 5, 2025 subject to the following conditions:

1. The foregoing recitals are incorporated as if set forth at length.
2. There shall be a sealed bid opening which shall take place on Tuesday, February 25, 2025 commencing at 10:00 a.m. in accordance with the rules and procedures set forth herein at Borough Hall, located at 6101 Pacific Avenue, Wildwood Crest, NJ 08260.
3. The Municipal Clerk will advertise this Notice of sealed bidding and the method of bidding by publication in the official newspaper by two insertions at least once a week during two consecutive weeks; the last publication to be not earlier than seven days prior to the auction.
 - a. All bidders may access the Café during normal business hours to inspect the Café. Bidders must call the Municipal Clerk at (609) 729-8040 to make an appointment to do so.
4. The bidding for the Café shall commence at the starting minimum bid of \$30,000.00 for three-year lease term. There is an OPTION BID for use of the Exterior Seating Area for exterior vending and/or sale of food products. The minimum bid for the option to utilize the Exterior Seating Area for a vending unit and/or outside food sales for the three-year term shall be Three Thousand Dollars (\$3,000.00) and a minimum payment of ONE THOUSAND DOLLARS (\$1,000.00) for Lease Year 2025, ONE THOUSAND DOLLARS (\$1,000.00) for Lease Year 2026, and ONE THOUSAND DOLLARS (\$1,000.00) for Lease Year 2027 as set forth in the Specifications & General Requirements For Lease of the Crest Arts Pavilion Café which is available in the Municipal Clerk’s Office, Borough Hall, located at 6101 Pacific Avenue, Wildwood Crest, NJ 08260. All of the terms, conditions, restrictions and limitations upon the tenancy subject to the lease are set forth in

the lease agreement which is part of the Specifications & General Requirements For Lease of a portion of the Nesbitt Center Building, the terms and conditions of which are incorporated herein as if set forth in full.

5. The Borough shall have the right to remove the Café from the sealed bid opening for any reason whatsoever until the time of the bid opening. Notice of such removal will be posted prior to the commencement of the sealed bid.
6. All bids shall be arrived at independently without collusion, consultation, communication, or agreement with any other potential bidder for the purpose of restricting competition.
7. The award will be made to the highest responsible bidder.
8. Immediately following the announcement of a winning bid, the successful bidder shall place a deposit by in the form of cash, money order or other certified same day funds, in the amount of ten (10%) percent of the total amount of the bid (but not in excess of \$20,000.00) per N.J.S.A. 40A:11-21 in accordance with the Specifications & General Requirements For Lease of a portion of the Nesbitt Center Building.
9. Notwithstanding the foregoing, the Borough expressly reserves the right pursuant to N.J.S.A. 40A:12-14(a) to reject all bids where the highest bid is not accepted. Upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected. Acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the completion of the bidding, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one week without readvertising. The Borough reserves the right to accept or reject any or all bids in the best interest of the Borough, including bids under which a bidder would take unfair advantage of the Borough or other bidders, and further reserves the right to waive any technical defects in bids.
10. The successful bidder shall be obligated to execute the lease agreement with the Borough within TEN (10) business days after the auction, failure to execute the lease agreement the Borough may deem the award and bid null and void, and shall entitle the Borough in its sole discretion to retain the deposit.