

**RESOLUTION 2017-108**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A SETTLEMENT AGREEMENT WITH THE VERNON GROVE CONDOMINIUM ASSOCIATION, INC., EXTENDING THE AFFORDABILITY CONTROLS AT VERNON GROVE**

**WHEREAS**, on July 7, 2015, the Township of Chatham (“Township”) filed a Declaratory Judgment Complaint with the Superior Court of New Jersey, Morris County, Law Division (“Court”), captioned In the Matter of the Township of Chatham for a Judgment of Compliance of Its Third Round Housing Element and Fair Share Plan, Docket No. MRS-L-1659-15; and

**WHEREAS**, a component of the Township’s proposed Third Round Housing Element and Fair Share Plan is to extend the affordability controls on the seventy-two (72) units known as the Vernon Grove Condominium (“Condominium”); and

**WHEREAS**, on June 23, 2016, the Township Committee of the Township of Chatham adopted Resolution 2016-146, titled “Resolution of the Township Committee of the Township of Chatham Extending Affordable Controls at Vernon Grove and Sutton Woods”; and

**WHEREAS**, on August 30, 2016, the Township recorded Declarations of Restrictive Covenant Extension of Affordability Controls applicable to both the Vernon Grove and Sutton Woods Condominiums; and

**WHEREAS**, on July 18, 2016 and August 29, 2016, the Vernon Grove Condominium Association, Inc. (“Association”), filed with the Court an objection to the extension of the affordability controls; and

**WHEREAS**, in addition to the Association’s objection, individual Unit Owners at the Condominium filed with the Court objections to the extension of the affordability controls; and

**WHEREAS**, the Association met with its members to determine whether the membership desired to withdraw the objection to the Township’s extension of the affordability controls and to amend the Master Deed of the Vernon Grove Condominium to extend the affordability controls on the seventy-two (72) units at the Condominium for thirty (30) years consistent with the Declaration of Restrictive Covenant Extension of Affordability Controls; and

**WHEREAS**, the Association and Condominium membership reached a consensus to extend the affordability controls and approve this Settlement Agreement subject to a vote of the Condominium membership; and

**WHEREAS**, the Township and Association have determined that a desirable means of promoting an adequate supply of low- and moderate-income housing in the Township is to extend the affordability controls on the Condominium for a period longer than the initial term; and

**WHEREAS**, the Township and Association, as a result of this Settlement Agreement, will promote the well being of the Condominium membership by undertaking certain capital and deferred maintenance improvements to enhance the Condominium.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. That the Mayor and Clerk are hereby authorized to sign the Settlement Agreement in substantially the form attached.
2. That this Resolution shall take effect immediately.


Adopted: May 25, 2017

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

  
\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_

  
Curt Ritter, Mayor