

ORDINANCE 2020-12

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF A PORTION OF
CERTAIN REAL PROPERTY LOCATED ON SOUTHERN BOULEVARD SHOWN AS
BLOCK 48.16, LOT 117.27 ON THE TOWNSHIP TAX MAP AND COMMONLY
KNOWN AS THE SKATE PARK TO SOUTHERN BOULEVARD URBAN RENEWAL,
LLC**

WHEREAS, on December 13, 2018, the Township Committee of the Township of Chatham adopted Ordinance 2018-22 adopting a Redevelopment Plan for a 3.8 acre portion of Block 48.16, Lot 117.27 (“Redevelopment Area”) for the development of affordable housing units; and

WHEREAS, on December 16, 2019, the Planning Board of the Township of Chatham granted Southern Boulevard Urban Renewal, LLC, preliminary and final site plan approval to construct twenty-four (24) affordable housing units in the Redevelopment Area; and

WHEREAS, on December 16, 2019, the Planning Board also granted preliminary and final subdivision approval to Southern Boulevard Urban Renewal, LLC to subdivide Block 48.16, Lot 117.27 and create a new parcel to be conveyed to Southern Boulevard Urban Renewal, LLC; and

WHEREAS, it was the intent of the Township of Chatham to convey the new parcel to Southern Boulevard Urban Renewal, LLC; and

WHEREAS, since the adoption of the Redevelopment Plan and the grant of subdivision approval to Southern Boulevard Urban Renewal, LLC circumstances changed requiring that the Redevelopment Area be divided into two (2) areas, Part A consisting of 1.04 acres to be conveyed to Southern Boulevard Urban Renewal, LLC and Part B consisting of 2.76 acres to be retained by the Township for public purposes, including affordable housing; and

WHEREAS, this change required that the Redevelopment Plan be amended to separate the Redevelopment Area into two (2) parts; and

WHEREAS, on May 28, 2020, the Township Committee of the Township of Chatham adopted Ordinance 2020-04 amending the Redevelopment Plan to provide that the Redevelopment Area consists of Parts A and B as follows:

- a. Part A is an area of 1.04 acres to be conveyed to Southern Boulevard Urban Renewal, LLC to construct twenty-four (24) affordable housing units as approved by the Township Planning Board, and

- b. Part B is an area of 2.76 acres to be retained by the Township of Chatham for public purposes, including affordable housing.

WHEREAS, in accordance with the New Jersey Supreme Court’s decision in South Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975), the Township has a constitutional obligation to provide for affordable housing; and

WHEREAS, on December 13, 2018, the Township settled its Mount Laurel obligation by entering into a Settlement Agreement with the Fair Share Housing Center, Inc., which Agreement was amended on January 10, 2019 and March 12, 2020; and

WHEREAS, Southern Boulevard Urban Renewal, LLC is the designated redeveloper of the Redevelopment Area and qualifies as an urban renewal entity; and

WHEREAS, the Township desires to convey to Southern Boulevard Urban Renewal, LLC Part A of the Redevelopment Area to construct twenty-four (24) affordable housing units as approved by the Township Planning Board; and

WHEREAS, the Local Lands and Buildings Law at N.J.S.A. 40A:12-21(l) expressly authorizes a municipality to convey municipally-owned lands or buildings at private sale and for nominal consideration to “[a]ny duly incorporated urban renewal corporation organized pursuant to P.L. 1991, c.431 (c. 40A:20-1 et seq.) for the purpose of constructing housing for low or moderate income persons or families or persons with disabilities”; and

WHEREAS, the Township finds that conveying Part A to Southern Boulevard Urban Renewal, LLC will further the general health, safety and welfare of Township residents by assisting the Township to meet its constitutional obligation to provide a realistic opportunity for the development of affordable housing; and

WHEREAS, Part A is not otherwise needed for any other municipal purposes; and

WHEREAS, as authorized by N.J.S.A. 40A:12-21(l), the Township now wishes to convey, and Southern Boulevard Urban Renewal, LLC wishes to accept Part A for the development of twenty-four (24) affordable housing units.

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

Section 1. The WHEREAS clauses to this Ordinance are incorporated as if more fully set forth herein.

Section 2. Pursuant to N.J.S.A. 40A:12-21(l) and any other applicable laws, the Township is hereby authorized to convey Part A, designated as a portion of Block 48.16, Lot 117.27 as shown in the Amended Redevelopment Plan, to Southern Boulevard Urban Renewal, LLC for the amount of one (\$1.00) dollar for the purpose of building twenty-four (24) affordable

housing units to assist the Township in satisfying a part of the Township's affordable housing obligation subject to all applicable requirements of N.J.S.A. 40A:12-21 and the following conditions:

- a. That twenty-four (24) affordable housing units be constructed and deed restricted for a period of thirty (30) years from the initial occupancy;
- b. That the Property shall be deed restricted for low-low, low and moderate income qualified family rental units by a deed consistent with the form of deed restriction contained in the Uniform Housing Affordability Control regulations; and
- c. That the development of the Property shall meet all of the applicable requirements of the Council on Affordable Housing, including UHAC, and the Superior Court of New Jersey for affordable housing credit.

Section 3. That the Township Mayor, Administrator, Engineer and Attorney, and all other appropriate officers, employees, consultants and professionals, are hereby authorized and directed to prepare and execute any and all documents and instruments necessary, and undertake, or cause to be undertaken, any and all acts necessary, to effectuate the terms and purposes of this Ordinance.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. This Ordinance shall take effect upon passage and publication as provided for by law.

Introduced: June 25, 2020

Adopted: July 9, 2020

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk