

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF MOUNT OLIVE AUTHORIZING THE
CONVEYANCE TO MORRIS HABITAT FOR
HUMANITY, INC. OF LOTS 2 AND 3 IN BLOCK
2203 FOR THE PURPOSE OF CONSTRUCTING SPECIFIED
RESIDENCES IN ACCORDANCE
WITH THE RULES AND REGULATIONS OF COAH**

WHEREAS, the Township is the owner of two lots of real property which are designated as Lot 2 and Lot 3, in Block 2203 on the Official Tax Maps of the Township, and commonly referred to as Numbers 18 and 20 Wallman Way (collectively, the "Lots"); and

WHEREAS, Morris Habitat for Humanity, Inc. ("MHfH") has requested that the Township convey the Lots to MHfH so that MHfH can construct a single structure upon each of the Lots, with two two-bedroom units for low or moderate income households on Lot 2, and two one-bedroom units for low or moderate income households on Lot 3; and

WHEREAS, the Township has been advised by its planner that these units, once constructed, would assist the Township in fulfilling its COAH obligations; and

WHEREAS, MHfH has also requested a contribution for the construction in the amount of \$35,000 per COAH credit from the Affordable Housing Trust Fund to assist in the construction of these units; and

WHEREAS, MHfH may be required to apply to the Township's Zoning Board of Adjustment for (i) Use Variances to construct duplex dwellings in the R-4 Zone, (ii) Bulk Variances, and (iii) other approvals, in each case for each of the Lots (the "Multi-Unit Land Use Approvals"); and

WHEREAS, if MHfH does not obtain the Multi-Unit Land Use Approvals for either or both Lots, MHfH will proceed with securing approvals for construction of single family dwellings for low or moderate income households on those Lots where Multi-Unit Land Use Approvals were not obtained (the "Single-Family Land Use Approvals"); and

WHEREAS, a Lot will not be conveyed to MHfH until such time as Multi-Unit Land Use Approvals or Single-Family Land Use Approvals have been secured with respect to such Lot; and

WHEREAS, the Township wishes to provide such housing for low income persons and wishes to take advantage of the proposals submitted by MHfH; and

WHEREAS, pursuant to N.J.S.A. 52:27d-325, the Township is permitted to convey these Lots for a nominal or no amount to MHfH, whose Certificate of Incorporation specifically authorizes the construction of low and moderate income housing, provided that the conveyance is accompanied by a contractual guarantee that the housing units will remain available to low and moderate income households for a period of at least 30 years; and

WHEREAS, the Township now wishes to proceed with this program;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, Township of Mount Olive, as follows:

1. The Township Council hereby approves the conveyance to MHfH of Lots 2 and 3 in Block 2203 on the Official Tax Maps of the Township, for the sole purpose of constructing upon each Lot up to two residential units to be utilized only by low or moderate income persons; and
2. Each deed of conveyance shall specifically provide that (a) the units to be constructed shall be available and remain available to low and moderate income households for a period of at least 30 years, and (b) title to the Lot and all improvements thereon shall automatically revert to the Township should these units not be constructed for low and moderate income persons and remain available for the aforesaid 30 years; and
3. The Director of Planning and the Township attorney are directed to take any and all necessary actions to complete this conveyance, and the Mayor and Clerk are authorized to execute the appropriate Deed(s).

Steven W. Rattner, Council President

I, Lisa M. Lashway, Township Clerk of the Township of Mount Olive do hereby certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Township Council at a meeting held on August 18, 2009.

Lisa Lashway, Clerk