

**ORDINANCE NO. 2023-13  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY KNOWN AS  
BLOCK 5, LOT 2.02 TO COMMUNITIES FIRST INITIATIVE, INC. FOR THE  
DEVELOPMENT AND MAINTENANCE OF AFFORDABLE HOUSING**

**WHEREAS**, the Township of East Windsor and Community Investment Strategies, Inc. (hereinafter referred to as "CIS") entered into an Affordable Housing Agreement dated January 23, 2018 (the "**Agreement**") pursuant to Township Resolution R2018-028, adopted on January 23, 2018, with regard to the construction, ownership, operation and management of an affordable rental project to be developed consisting of fifty-six (56) affordable housing rental units for low and moderate income households (the "**Project**") on property located at 300C Princeton-Hightstown Road and designated on the East Windsor Tax Maps as Block 5, Lot 2.02 (the "**Property**") to assist the Township in satisfying its affordable housing fair share; and

**WHEREAS**, The Township and CIS entered into an Addendum to Affordable Housing Agreement, dated April 9, 2019 (the "**Addendum**") pursuant to Township Resolution R2019-052, adopted on April 2, 2019; and

**WHEREAS**, CIS and The Place at East Windsor, LLC executed an Assignment and Assumption Agreement (AHA) dated April 30, 2019, in accordance with the Agreement and the Addendum, under which The Place at East Windsor, LLC assumed all of CIS's rights and obligations under the Agreement and the Addendum; and

**WHEREAS**, The Township and The Place at East Windsor, LLC entered into a Second Addendum to Affordable Housing Agreement, dated September 1, 2020 (the Agreement, the Addendum and the Second Amendment will be referred to collectively as the "Amended Agreement") pursuant to Township Resolution R2020-131, adopted on September 1, 2020; and

**WHEREAS**, Section 4 of the Amended Agreement provides that the Township shall convey the Property to The Place at East Windsor, LLC the Developer, or a nonprofit entity, either directly or through a CIS designated not-for-profit entity, subject to an affordable housing deed restriction that ensures that the Property shall be used solely for the purpose of providing rental dwelling units for low and moderate-income households and developed and maintained in accordance with the Township's Housing Element and Fair Share Plan of the Master Plan and as provided in ; and

**WHEREAS**, CIS has designated Communities First Initiative, Inc. ("CFI"), a New Jersey not-for-profit corporation and federal 501(c)(3) entity, as its designated grantee of the Property;

**WHEREAS**, by Resolution 2019-12, adopted on April 15, 2019 under Application No. PB19-002, the East Windsor Township Planning Board granted Preliminary and Final Major Site Plan Approval for the construction on the Property of fifty-six (56) affordable rental units for low and moderate-income households (the “Approval”);

**WHEREAS**, the Township seeks to convey the Property to CFI, pursuant to the Amended Agreement and pursuant to N.J.S.A. 40A:12-21, N.J.S.A.40A:12A-22 and other regulations for the purpose of developing the Property in accordance with the Approval, by a Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto, a municipal Affordable Housing Deed Restriction in a form substantially similar to Exhibit B attached hereto and a HMFA Affordable Housing Deed Restriction in a form substantially similar to Exhibit C attached hereto, which will ensure that the Property shall be used solely for the purpose of providing affordable rental dwelling units for low and moderate-income households; and

**WHEREAS**, the Bargain and Sale Deed will include an Affordable Housing Deed Restriction which provides that that the Property shall be used solely for the purpose of providing affordable rental dwelling units for low and moderate-income households, in accordance with the Approval and with the Township's Housing Element and Fair Share Plan of the Master Plan; and

**WHEREAS**, this conveyance is also made in accordance with the Final Order of Compliance and Repose entered on January 14, 2019 by the Superior Court, Law Division-Mercer County in the Matter of the Application of Township of East Windsor, Docket No. L-1522-15;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute and deliver a Bargain and Sale Deed, and any other instruments that may be necessary, to Communities First Initiative, Inc., 1970 Brunswick Avenue, Suite 100, Lawrenceville, New Jersey 08648, for the property known as 300C Princeton-Hightstown Road (Block 5, Lot 2.02) for the nominal consideration of \$10.00, in a form substantially similar to Exhibit A attached hereto, which shall be subject to an Affordable Housing Deed Restriction in a form substantially similar to Exhibit B attached hereto and a HMFA Affordable Housing Deed Restriction in a form substantially similar to Exhibit C, which ensures that the Property shall be used solely for the purpose of providing affordable rental dwelling units for low and moderate-income households, to be developed and maintained in accordance with the Approval and with the Township's Housing Element and Fair Share Plan of the Master Plan.
2. If any section, subsection or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.
3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

4. This ordinance shall take effect immediately, as authorized by Resolution R2023-188., adopted on December 18, 2023, prior to the final adoption hereof.

ATTEST:

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Allison Quigley  
Municipal Clerk

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JANICE S. MIRONOV  
Mayor