

ORDINANCE 55-2023

ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 28 WALNUT STREET AND THE END OF COMMUNITY PLACE, IDENTIFIED AS BLOCK 1601, LOTS 42 AND 1.01

WHEREAS, the Borough of Madison (the “Borough” or the “Seller”) wishes to convey title to the real property known and designated as 28 Walnut Street and the End of Community Place and more particularly identified as Block 1601, Lots 42 and 1.01, respectively, on the Tax Map of the Borough of Madison (the “Property”); and

WHEREAS, the Property is presently owned by the Borough; and

WHEREAS, pursuant to a Settlement Agreement reached between the Borough and Fair Share Housing Center (“FSHC”), on August 10, 2020, in litigation entitled In the Matter of the Borough of Madison, County of Morris, Docket No. MRS-L-1694-15 (the “Settlement Agreement”), which was approved by the Court following a duly noticed fairness hearing, the Borough has agreed to construct a 100% affordable housing development consisting of at least 40 units (inclusive of at least 32 family, non-age-restricted rental units); and

WHEREAS, the Borough took formal action to declare Block 1601, Lot 42 as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14 and to declare Block 1601, Lot 1.01 as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, after issuing a Request for Qualifications, Request for Proposals regarding the construction of a 44-unit affordable housing project on the Property (the “Project”), reviewing submissions and conducting extensive interviews, the Borough selected RPM Development Group (“RPM” or the “Developer”) to be designated as the Developer for the Project; and

WHEREAS, the Borough desires to convey the Property to the Developer for the purpose of constructing the Project pursuant to the current Redevelopment Plans in effect on the Property; and

WHEREAS, the Borough desires to convey the Property to the Developer at a price of ONE and 00/100 DOLLAR (\$1.00) (the “Purchase Price”); and

WHEREAS, the Developer agrees to the Purchase Price; and

WHEREAS, pursuant to Resolution No. 134-2021, the Borough and the Developer entered into a Development Agreement to implement the Project in accordance with the relevant terms and conditions of the Settlement Agreement, the requirements of the Local Redevelopment

and Housing Law, and the Uniform Housing Affordability Control regulations and Fair Housing Act, among other things; and

WHEREAS, the transfer of title to the Property for the development of the Project is in the best interests of the citizens of the Borough of Madison.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Madison, in the County of Morris, State of New Jersey, as follows:

Section 1. The Borough of Madison, pursuant to the Local Redevelopment and Housing Law, specifically N.J.S.A. 40A:12A-8(g), may convey title to the property located at 28 Walnut Street and the End of Community Place and more particularly identified as Block 1601, Lots 42 and 1.01, respectively, on the Tax Map of the Borough of Madison for the construction of a 44-unit affordable housing project pursuant to the current Redevelopment Plans in effect on the Property, along with other deed restrictions required by the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-9), the Uniform Housing Affordability Control regulations and Fair Housing Act, and as negotiated between the parties.

Section 2. The Mayor, Borough Administrator and the Borough Attorney be and they are authorized and directed to execute all documents necessary to effectuate this transfer.

Section 3. If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, portion or other part of this Ordinance directly involved in the controversy in which such judgment shall be rendered.

Section 4. All ordinances, or parts thereof, which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. This ordinance shall take effect immediately upon final passage and publication according to law.

ADOPTED AND APPROVED
November 13, 2023

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: October 23, 2023

Published, Madison Eagle: October 26, 2023

Hearing and consideration for final adoption: November 13, 2023

Published, Madison Eagle, upon final adoption: November 16, 2023