

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 5-2024

**AUTHORIZING THE ACCEPTANCE
OF AN ACCESS EASEMENT AGREEMENT**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, authorizes a municipality to acquire easements by ordinance; and

WHEREAS, Parkers Bend Retirement Community, LLC (“**Parkers Bend**” “**Grantor**”) are owners of property located at Block 8801, Lots 4.02 and 4.04, and former owner of Lot 4.03, as more particularly described in Exhibit A; and

WHEREAS, in order to accommodate the development of affordable housing units, The Township of Moorestown (“**Moorestown**” or “**Grantee**”) has obtained title of Block 8801, Lot 4.03 (“**Grantee’s Property**”) from Parkers Bend, and Parkers Bend has retained ownership of Block 8801, Lots 4.02 and 4.04 (“**Grantor’s Property**”); and

WHEREAS, the Township of Moorestown and Community Investment Strategies, Inc. (“**CIS**”) entered into an Affordable Housing Agreement dated September 22, 2020 (the “**Agreement**”) pursuant to Township Resolution No. 197-2020, adopted on September 21, 2020, with regard to the construction, ownership, operation and management of an affordable rental project to be developed consisting of eighty-two (82) (one of which is an unrestricted unit for the superintendent) affordable housing rental units for low and moderate income households (the “**Project**”) on property located at 1 Oakley Road and designated on the Moorestown Tax Maps as Block 8801, Lot 4.03, (the “**Grantee’s Property**”) to assist the Township in satisfying its affordable housing fair share; and

WHEREAS, the Township and CIS entered into a First Amendment to Affordable Housing Agreement, dated September 28, 2021 (the “**First Amendment**”) pursuant to Township Resolution No. 164-2021, adopted on June 14, 2021; and

WHEREAS, pursuant to the Agreement, CIS shall be conveyed title to Block 8801, Lot 4.03; and

WHEREAS, CIS and Heritage Village at Moorestown, LLC executed an Assignment and Assumption Agreement dated February 2, 2023, in accordance with the Agreement and the First Amendment, under which Heritage Village at Moorestown, LLC assumed all of CIS’s rights and obligations under the Agreement and the First Amendment; and

WHEREAS, Grantor desires to provide certain rights to the Grantee on Grantor’s Property to aid in the development of the Project, as more particularly detailed in Moorestown Township Planning Board Resolution 28-2020 dated September 10, 2020 granted to Heritage Village at Moorestown, LLC (“**Heritage Village**”); and

WHEREAS, Grantor shall be responsible for the installation of certain improvements on Block 8801, Lots 4.02 and 4.04, as detailed in Moorestown Township Planning Board Resolution 24-2020 dated July 23, 2020 which granted Preliminary and Final Site Plan Approval for a senior independent living facility containing 130 units to Parkers Bend (“**Senior Project**”); and

WHEREAS, as part of the improvements on Block 8801, Lots 4.02 and 4.04, Grantor is responsible to construct and maintain utilities and an access roadway from Centerton Road on Lot 4.04, a continuous walking path on Lot 4.02 (the continuous walking path and access roadway will be collectively referred to as “**Access Road**”) for the benefit of the Project and the Grantee’s Property; and

WHEREAS, the Grantor desires to grant to the Township and the Township desires to accept an Access Easement for the benefit of the Project.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Moorestown, County of Burlington, and State of New Jersey, as follows:

1. That the Mayor is hereby authorized and directed, as may be required, to execute an Access Agreement with Parkers Bend to provide an easement for pedestrian and vehicular access, construction, passive recreation, and utilities in connection with the Project and as stated in the attached Access Agreement.
2. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.
3. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.
4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 5-2024 which was introduced and adopted on first reading on February 26, 2024 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on March 11, 2024.

<u>VOTE:</u>	
GILLESPIE	ABSENT
LAW	YES
KEATING	YES
MAMMARELLA	YES
ZIPIN	RECUSED

Patricia L. Hunt, RMC
Township Clerk