

**TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE #24-1720

**AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY
AUTHORIZING THE OF TRANSFER OF INTEREST IN PROPERTY DESIGNATED AS BLOCK
20001, LOT 10.07 TO RPM DEVELOPMENT, LLC FOR THE DEVELOPMENT OF A
MUNICIPALLY SPONSORED 100% SENIOR AFFORDABLE HOUSING PROJECT**

WHEREAS, the Somerset County Improvement Authority (“Authority”) is the owner in fee simple of Block 20001, Lot 10.05 (the “Municipal Site”); and

WHEREAS, The Township of Montgomery (“Township”) is the lessee and contract purchaser of the Municipal Site by virtue of a Lease Purchase Agreement by and between the Authority and Township dated December 1, 2016; and

WHEREAS, the Township has an obligation to provide a realistic opportunity for affordable housing to its residents; and

WHEREAS, the Township Committee designated the Municipal Site as a redevelopment are on November 5, 2020 pursuant to Resolution No. 20-11-210; and

WHEREAS, on December 17, 2020, the Township Committee adopted the Redevelopment Plan by Ordinance 20-1648, after conducting the requisite hearings therefor and referral of same to the Planning Board for consistency review pursuant to N.J.S.A. 40A-12A-7(e); and

WHEREAS, the Township conditionally designated RPM Development, LLC as the Redeveloper by Resolution No. 21-5-125 adopted May 6, 2021; and

WHEREAS, on June 17, 2021, the Township approved a redevelopment agreement (the “Redevelopment Agreement”) for the redevelopment of a 4.21-acre portion of the Municipal Site (the “Subject Property”), with RPM Development, LLC’s affiliate Headquarters Drive Urban Renewal Associates L.P (“RPM”) for an affordable housing project; and

WHEREAS, consistent with the terms of the Redevelopment Agreement, RPM obtained preliminary major subdivision and preliminary major site plan approval with waivers by resolution dated August 16, 2021, and final major subdivision and final major site plan approval with variance relief by resolution dated July 10, 2023 (collectively, the “Approval”), which permit the construction of one, three-story building, containing seventy-one (71) residential units, together with associated common amenity space, surface parking spaces, stormwater management facilities, and related site improvements on the Subject Property (the “Project”) which is consistent with the Township’s court approved affordable housing plan; and

WHEREAS pursuant to the terms of the Redevelopment Agreement, the Subject Property is to be subdivided and known as Block 20001, Lot 10.07 on the tax map of the Township of Montgomery; and

WHEREAS, the Township desires to convey its interest in the Subject Property to RPM, in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-21(l) which expressly authorizes a municipality to convey property at private sale and for nominal consideration to a “duly incorporated urban renewal corporation organized pursuant to [N.J.S.A. 40A-20-1 et seq.] for the purpose of constructing housing for low- or moderate-income persons;” and

WHEREAS, the Township Committee finds that conveying the Subject Property to RPM will further the general health, safety and welfare of Montgomery Township’s residents by helping the Township address its constitutional obligation to provide a realistic opportunity for the development of low- and moderate-income housing; and

WHEREAS, the Township Attorney and Township Engineer for the Township of Montgomery reviewed the Deed and found it acceptable.

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

Section 1. Preamble Incorporated. The statements and findings set forth in the preamble above are hereby incorporated as if fully restated herein.

Section 2. Conveyance of Subject Property Authorized. Pursuant to N.J.S.A. 40A:12-21(l) and other applicable laws, if any, the conveyance for one dollar (\$1.00) of the Township’s interest in a 4.21-acre portion of the Municipal Site at Block 20001, Lot 10.05, to be subdivided and known as Block 20001, Lot 10.07 (the “Subject Property”) to RPM Development, LLC’s affiliate Headquarters Drive Urban Renewal Associates L.P (“RPM”), together with any such easements as might be needed to allow for the construction of onsite improvements, access and the extension of underground utilities to the Subject Property, for an affordable housing project, is hereby authorized, subject to all applicable requirements of N.J.S.A. 40A:12-21, and subject further to the following stipulations:

- a. The area to be conveyed is the 4.21-acre portion of the Municipal Site that is to be subdivided and known as Block 20001, Lot 10.07, as further described in the metes and bounds description attached hereto as Exhibit A.
- b. The final delineation of the area to be conveyed, including all required easements, shall be reviewed and confirmed by the Township Engineer.
- c. To the extent that the conveyance authorized herein requires the prior approval of the Somerset County Improvement Authority, said conveyance shall not take place until such approval has been obtained.
- d. The purpose of the conveyance authorized herein is for the development of the Subject Property with a one hundred percent residential project affordable to low- and moderate-income senior households.

Section 3. Authority to Implement Terms of Conveyance. The Mayor, Administrator, Clerk, Township Attorney, Township Engineer, and other appropriate staff and officials are hereby authorized and directed to negotiate and prepare any and all such documents and undertake any and all such acts as may be needed to implement the terms hereof, in accordance with the stipulations set forth in Section 2 hereinabove.

Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 5. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not affect the validity of the remaining paragraphs or sections hereof.

Section 6. Effective Date. This ordinance shall take effect upon its passage and publication and in accordance with all applicable statutory requirements.

DATE ADOPTED: April 4, 2024

ATTEST:

**TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET**

Lisa Fania, RMC
Township Clerk

Neena Singh
Mayor