

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 25-2020

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING ORDINANCE 39-2019 AUTHORIZING THE ACQUISITION OF A PORTION OF REAL PROPERTY IN THE TOWNSHIP OF MOORESTOWN KNOWN AS BLOCK 3201, LOT 4, AND AUTHORIZING ITS CONSOLIDATION WITH BLOCK 3201, LOT 3

WHEREAS, the Township of Moorestown (“Township”) filed an action with the Burlington County Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Moorestown, County of Burlington, Docket No. BUR-L-1604-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan; and

WHEREAS, to resolve the litigation, the Township has entered into a Settlement Agreement and an Amended Settlement Agreement with Fair Share Housing Center (FHSC) that provides various mechanisms that will provide for the development of affordable housing in the Township of Moorestown, one of which is the development of a municipally sponsored 100% affordable multi-family housing community; and

WHEREAS, real property designated as Block 3201, Lot 3 on the official tax map of the Township, and commonly known as 307 Harper Drive, (hereafter “the Property”) consisting of approximately 3.12 acres, was identified as the intended location of the municipally sponsored 100% affordable community referred to in the Amended Settlement Agreement; and

WHEREAS, pursuant to the authority granted in Ordinance 39-2019, the Township did acquire the 3.12-acre parcel designated as Block 3201, Lot 3 by Deed dated December 26, 2019, recorded on January 9, 2020 in the Burlington County Clerk’s Office as Instrument Number 13427, Page 6854; and

WHEREAS, prior to the acquisition of that property, the Township contracted with SFA 312 Route 38, LLC to acquire a 60-foot wide strip of Lot 4 adjacent to the boundary between Lots 3 and 4; and

WHEREAS, the Township filed a minor subdivision application to permit a lot line adjustment of the boundaries between Lots 3 and 4 (with the expectation that the 60 foot strip of land would be conveyed from the owner of Lot 4 to the Township, which would then consolidate the 60 foot strip with Lot 3 already acquired by the Township as set forth above) which was approved by the Planning Board of the Township of Moorestown at a hearing that took place on March 9, 2020, and further memorialized in Planning Board Resolution 2020; and

WHEREAS, Ordinance 39-2019 must be amended to indicate that the Township will also be acquiring the 60-foot strip, measuring approximately .56 acres as set forth on the attached Exhibit A; and

WHEREAS, the Township is acquiring the Property consistent with its authority to acquire privately-owned property for public purposes, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and wishes to memorialize its authority to acquire the Property consistent with the law and pursuant to this Ordinance; and

WHEREAS, sufficient funds are available in the Township’s Affordable Housing Trust Fund, together with a Companion Bond Ordinance, in order for the Township to acquire the Property and pay usual and customary closing costs;

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

Section 1. Acquisition Authorized. The Township hereby authorizes the purchase of a portion of Block 3201, Lot 4 identified in Exhibit A attached hereto, from the owner SFA 312 Route 38, LLC for the sum of Fifty Thousand Dollars (\$50,000.00), to be paid, together with usual and customary closing costs, from the Township’s Affordable Housing Trust Fund and from the proceeds of a Bond Ordinance.

Section 2. Official Action Authorized. The Mayor, Township Clerk, Chief Financial Officer, Township Manager and Township Attorney are hereby authorized to take all necessary actions to acquire the property and to consolidate the portion of Lot 4 being acquired from SFA 312 Route 38, LLC with Lot 3 which is currently owned by the Township.

Section 3. Severability. If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 6. Short Title. This Ordinance shall be known as Ordinance No. 25-2020.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 25-2020 which was introduced and adopted on first reading on September 21, 2020 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 October 5, 2020.

<u>VOTE:</u>	
GILLESPIE	YES
DONNELLY	YES
LOCATELL	YES
NAPOLITANO	YES
PETRIELLO	YES

Patricia L. Hunt, RMC
Township Clerk

LEGAL DESCRIPTION
FOR PROPOSED LOT CONVEYANCE FROM LOT 4 TO LOT 3, BLOCK 3201
TOWNSHIP OF MOORESTOWN
BURLINGTON COUNTY, NEW JERSEY

ALL that certain lot, piece or parcel of land, thereon erected, situate, lying and being in the Township of Moorestown, County of Burlington and State of New Jersey:

BEGINNING at a found concrete monument on the common point of Lots 2 & 5, Block 3201, said point being South 36 degrees 28 minutes 08 seconds East, 692.26 feet along the common line of Lots 4 & 5, from a point in the Southeasterly line of New Jersey State Highway Route 38 (110 feet wide), and extending; thence

1. South 53 degrees 31 minutes 52 seconds West, along the northerly line of existing Lot 3, Block 3201, a distance of 402.34 feet to a found concrete monument in the Easterly line of East Gate Drive (variable width); thence
2. Along the Easterly line of said road, North 46 degrees 11 minutes 31 second West, a distance of 60.87 feet to a set iron pin; thence
3. North 53 degrees 31 minutes 52 seconds East, along the southerly line of proposed Lot 4, Block 3201, a distance of 412.63 feet to a point; hence
4. Along Lot 5, South 36 degrees 28 minutes 08 seconds East, a distance of 60.00 feet to the point and place of BEGINNING.

Containing within said bounds 24,447.62 S.F. (0.56 Acres) of land.

Note: For Informational Purposes Only: BEING part of Existing Lot 4, Block 3201 on a Tax Map of the Township of Moorestown, Burlington County.

Subject to any and all Restrictions and Easements of Record.

Robert R. Stout, PLS Date New
Jersey License # 38421

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Legal.docx

