

**BOROUGH OF PALMYRA  
ORDINANCE 2021-07**

**AN ORDINANCE OF THE BOROUGH OF PALMYRA VACATING AND RELEASING ANY  
AND ALL RESTRICTIVE COVENANTS CONTAINED WITHIN THE DEED DATED  
DECEMBER 12, 1952 BETWEEN THE BOROUGH OF PALMYRA AS GRANTOR AND MIRIAM  
ISDANER, ET ALS AS GRANTEE; SAID DEED HAVING BEEN RECORDED IN THE OFFICE OF  
THE CLERK OF BURLINGTON COUNTY ON DECEMBER 22, 1952  
IN DEED BOOK 1140 AT PAGE 189**

WHEREAS, the Borough of Palmyra acquired title to the real property designated as Block 156, Lots 1, 1.01 and 1.02 (the "Property") by way of a final decree and/or judgment dated November 28, 1944 which was entered by the Superior Court of New Jersey, Chancery Division in a tax sale certificate foreclosure action, a recorded copy of which final decree was recorded in the Office of the Burlington County Clerk on December 6, 1944 in Deed Book 982 at page 87; and

WHEREAS, the Borough of Palmyra subsequently determined said Property was not needed for public use and authorized the public sale of the Property as set forth in a resolution duly adopted by the Borough Council on September 29, 1952; and

WHEREAS pursuant to said resolution, the Property was advertised for public land sale and was subsequently sold to the only bidder who subsequently assigned his interest to Miriam Isdaner, William G. Rohrer, Jr. and Philip Zinman; and

WHEREAS, pursuant to the aforementioned public land sale, the Borough conveyed the Property to said Miriam Isdaner, William G. Rohrer, Jr. and Philip Zinman by way of Deed dated December 12,

1952, which Deed was recorded in the Office of the Burlington County Clerk on December 22, 1952 in Deed Book 1140 at page 189 (the “1952 Deed”), a copy of which is attached hereto as Exhibit “A”; and

WHEREAS the 1952 Deed contained certain conditions and restrictions relating to the use and operation of the Property, including without limitation restrictions limiting the use of the Property to commercial and industrial uses only, as more fully set forth in Exhibit A hereto; and

WHEREAS on September 9, 2002 the Borough adopted Resolution #2002-92 designating certain properties, including the subject Property, as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., said redevelopment area being known as the “Route 73 South Redevelopment Area”; and

WHEREAS on or about April 28, 2003, the Borough adopted Ordinance #2003-7 adopting the Route 73 South Redevelopment Plan, which plan has been amended from time to time; and

WHEREAS on August 19, 2019, the Borough adopted Resolution 2019-192 appointing Stock Development Group, Inc. as the conditional redeveloper for the Route 73 South Redevelopment Area; and

WHEREAS on September 1, 2020, the Borough adopted Resolution #2020-173 authorizing the execution of a Redevelopment Agreement with Palmyra Urban Renewal Entity, LLC, an affiliate of Stock Development Group, Inc., for the purpose of effectuating the successful redevelopment of the Route 73 South Redevelopment Area by and through the Route 73 South Redevelopment Plan; and

WHEREAS on September 25, 2020, the Borough adopted Ordinance #2020-09 adopting an amendment to the Route 73 South Redevelopment Plan in furtherance of the development goals and purposes set forth in said Redevelopment Agreement; and

WHEREAS, the Route 73 South Redevelopment Plan contemplates the development of the Property with multiple uses in furtherance of the Redevelopment Plan as set forth therein, including warehousing and the construction of up to 102 multi-family apartment units in satisfaction of the Borough's Mount Laurel affordable housing obligation; and

WHEREAS, the conditions and restrictions set forth in the 1952 Deed described above are no longer consistent with the Borough's vision for development and use of the Property and are not consistent with the Borough's efforts to satisfy its Mount Laurel obligations; and

WHEREAS, pursuant to the Local Lands and Buildings Law, the Borough has the authority to vacate and release the terms, conditions and restrictions established in the 1952 Deed where such terms, conditions and restrictions no longer serve a public purpose and/or where the terms, conditions and restrictions are contrary to the Borough's policies and goals; and

WHEREAS, the Borough Council finds and declares that the conditions and restrictions established in the 1952 Deed no longer serve a public purpose and, in fact, unduly impede and impair the ability of the appointed redeveloper to redevelop the Property consistent with the Route 73 South Redevelopment Plan, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Palmyra, in the County of Burlington and State of New Jersey, as follows:

Section 1: The Borough hereby fully and forever vacates, releases and discharges all terms, conditions and restrictions established by the Borough when it conveyed the Property to Miriam Isdaner, William G. Rohrer, Jr. and Philip Zinman on December 12, 1952 as said terms, conditions and restrictions are more fully set forth in the 1952 Deed attached hereto as Exhibit A.

Section 2. The Borough Clerk is hereby authorized and instructed to record a copy of this Ordinance, with the exhibit, in the Office of the Clerk of Burlington County as evidence of the Borough's full vacation, release and discharge of all terms, conditions and restrictions previously recorded against the Property as set forth in the 1952 Deed attached hereto as Exhibit A.

Section 3. This Ordinance shall take effect upon final passage, publication and filing with the Office of the Clerk of Burlington County, all as required by law.

Approved for introduction by title only at the special meeting of the Borough of Palmyra Mayor and Council on April 26, 2021. Public Notice of the second reading and public hearing was published in the Burlington County Times on April 29<sup>th</sup>, 2021. Public Notice and second reading will be held on May 17, 2021.

RECORDED VOTE	MOTION	SECOND	INEAVOR	AGAINST	ABSTAIN	ABSENT
MR. ALLMOND			X			
DR. CLOUD						X
MRS. JENKINS			X			
MRS. MCCANN			X			
MRS. RUSSELL	X		X			
PRESIDENT HOWARD		X	X			
MAYOR GINA RAGOMO TAIT						

Approved for final adoption at the regular meeting of the Borough of Palmyra Mayor and Council on **May 17<sup>th</sup>, 2021** after a public hearing was held. Public Notice was given for the public hearing by being published in the Burlington County Times on April 29<sup>th</sup>, 2021.

RECORDED VOTE	MOTION	SECOND	INFAVOR	AGAINST	ABSTAIN	ABSENT
MR. ALLMOND	X		X			
MRS. CLOUD			X			
MRS. JENKINS			X			
MRS. MCCANN			X			
MRS. RUSSELL		X	X			
PRESIDENT HOWARD			X			
MAYOR GINA RAGOMO TAIT						

DATE OF FINAL PUBLICATION: **May 21, 2021**

ATTEST:  
*Doretha R Jackson*

SIGNED:

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Doretha Jackson  
Municipal Clerk

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Gina Ragomo Tait  
Mayor

