

**BOROUGH OF PALMYRA**  
**ORDINANCE 2023-18**

**AN ORDINANCE OF THE BOROUGH OF PALMYRA TO AUTHORIZE THE MAYOR TO EXECUTE A DEED ON BEHALF OF THE BOROUGH OF PALMYRA TO PALMYRA ROUTE 73, LLC FOR THE SITE UPON WHICH THE RT. 73 S. AFFORDABLE HOUSING COMPLEX WILL BE CONSTRUCTED, I.E. BLOCK 156, LOT 107 ON THE TAX MAP OF PALMYRA**

WHEREAS, the BOROUGH OF PALMYRA, is a public body politic constituting a political subdivision of the State of New Jersey, having its principal address at 20 West Broad Street, Palmyra, New Jersey 08065 (“**PALMYRA**”); and

WHEREAS, PALMYRA ROUTE 73, LLC is a New York limited liability company with offices located at 2000 Horizon Way, Suite 180, Mt. Laurel, NJ. 08054 (“**PALMYRA RT 73**”); and

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the "Act"), authorizes municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, PALMYRA, pursuant to the Act, has duly designated the Route 73 Redevelopment Area (the “Redevelopment Area”) in conformance with the duly adopted Redevelopment Plan, (the “Plan”); and

WHEREAS, a portion of the Redevelopment Area that is more particularly described as Block 156, Lot 1.07 on the Palmyra Tax Map has been set aside for the construction of an affordable housing project comprising 102 units of affordable housing for families, the (the “**A.H. Parcel**”); and

WHEREAS, PALMYRA URBAN RENEWAL ENTITY, LLC is a New Jersey limited liability company with offices located at 133 Maple Avenue, Red Bank, New Jersey (“**PURE**”); and

WHEREAS, PURE was duly designated as the redeveloper for the Redevelopment Area; and

WHEREAS, PALMYRA COVE AFFORDABLE HOUSING, L.L.C. (“**PALMYRA COVE**”) is a New Jersey limited liability company with offices located at 133 Maple Avenue, Red Bank, New Jersey; and

WHEREAS, PALMYRA COVE, an affiliate of PURE, acquired the A.H. Parcel; and

WHEREAS, PALMYRA RT 73 is the duly authorized redeveloper of the A.H. Parcel in accordance with the Act; and

WHEREAS, PALMYRA COVE executed a Bargain and Sale Deed with Covenants Against Grantor's Acts dated August 3, 2023, (the "Deed") conveying the A.H. Parcel to PALMYRA; and

WHEREAS, the Deed has been recorded in office of the Clerk of Burlington County on August 8, 2023, Instrument Number 58456457, in Book OR13682, at page 4581; and

WHEREAS, PALMYRA is a party to the litigation captioned *In the Matter of the Application of the Borough of Palmyra for a Judgment of Compliance* that was filed on July 2, 2015, in the Superior Court of New Jersey, Law Division, Burlington County under Docket No. BUR-L-1567-15, (the "Litigation"); and

WHEREAS, the Litigation was filed by PALMYRA as a declaratory judgment action seeking a judicial determination of PALMYRA's compliance with the Mt. Laurel doctrine and the Fair Housing Act of 1985, *N.J.S.A. 52:27D-301 et seq*;

WHEREAS, the conveyance of the A.H. Parcel as set forth below is being made subject to, and in accordance with the terms and conditions of that certain Amended Settlement Agreement between PALMYRA, Fair Share Housing Center, Inc. and PURE dated May 12, 2023, executed as of May 17, 2023, and approved by the Superior Court of New Jersey on June 22, 2023, as memorialized in that certain Second Order Approving First Amendment to Settlement Agreement After Fairness Hearing entered by said Court on June 23, 2023; and

WHEREAS, the conveyance of the A.H. Parcel as set forth below is being made subject to the authority of the Act and the duly authorized Redevelopment Plan and in accordance with various redevelopment agreements pertaining to the Redevelopment Area; and

WHEREAS, the Local Lands and Buildings law (*N.J.S.A. 40A:12-1 et. seq.*), provides that a municipality, may sell real property to a private redeveloper in accordance with the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOUROUGH OF PALMYRA, COUNTY OF BURLINGTON, AND STATE OF NEW JESEY AS FOLLOWS:**

1. All the above recitals are incorporated herein.
2. Pursuant to *N.J.S.A. 40A: 12-13(c)*, the Mayor and the Clerk are hereby authorized to execute the Deed that is appended hereto as Exhibit A, said Deed to convey the A.H. Parcel identified as Block 156, Lot No. 1.07 on the Tax Map of PALMYRA and which is more specifically described in the Deed to PALMYRA ROUTE 73, LLC, the duly authorized private redeveloper pursuant to the provisions of the Act

3. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

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

Approved for introduction at the regular meeting of the Borough of Palmyra Mayor and Council on **October 2, 2023**. Public Notice of the second reading and public hearing was published in the Burlington County Times on **October 6, 2023**. Public Hearing and second reading held on **October 16<sup>th</sup>, 2023**. Ordinance adopted.

**DATE OF FINAL PUBLICATION:** October 20<sup>th</sup>, 2023