

**RESOLUTION 2016 -75
BOROUGH OF FRANKLIN**

**RESOLUTION AUTHORIZING THE DONATION OF PROPERTY OWNED BY THE
BOROUGH OF FRANKLIN KNOWN AS BLOCK 2702, LOTS 14, 15 AND 16, TO
HABITAT FOR HUMANITY, SUBJECT TO CONDITIONS**

WHEREAS, the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey, is the owner of Block 2702, Lots 14, 15 and 16, located at 113, 111 and 109 Munsonhurst Road in the Borough, respectively; and

WHEREAS, SCHFH is a Not for Profit Corporation of the State of New Jersey which provides community-based programs to assist low and moderate income persons with home ownership; and

WHEREAS, the Borough of Franklin heretofore applied for substantive certification to the Council on Affordable Housing (COAH) for the Borough's second round plan to meet its obligation of providing its Fair Share of Housing for low and moderate income persons pursuant to the Fair Housing Act and Administrative Regulation adopted pursuant thereto; and

WHEREAS, the Borough has applied for third round substantive certification from COAH, and is aware of several Court actions pending around the State of New Jersey impacting the designation of COAH certification and compliance; and

WHEREAS, SCHFH is an organization which constructs and sells the type of housing which satisfy certain COAH obligations; and

WHEREAS, the Borough of Franklin is currently the owner of real property which is available for development for housing purposes in partial satisfaction of the Borough's COAH obligations; and

WHEREAS, SCHFH is desirous of accepting a donation of certain Borough-owned property for the purpose of constructing a two or three single-family homes for an equal number of families that qualify as low and/or moderate income families in accordance with the provisions of the New Jersey Fair Housing Act as administered by COAH (with the final determination of the number of homes being left to a further review of the site conditions and a feasibility analysis by the parties); and

WHEREAS, the Borough is desirous of donating said property to SCHFH for purposes of partially satisfying the Borough's COAH obligations; and

WHEREAS, N.J.S.A. 52:27D-311(a)(5) provides for the donation of municipally owned land for purposes of providing low and moderate income housing; and

WHEREAS, N.J.S.A. 52:27D-325 provides that the Governing Body may, by Resolution, authorize the private sale and conveyance of Borough-owned property to a non-profit entity with a contractual guarantee that the housing units will remain available to low and moderate income households only for a period of at least thirty (30) years.

WHEREAS, the governing body feels it would be in the best interest of the residents of Franklin Borough to permit the donation of the said parcels to Sussex County Habitat for Humanity provided that the houses to be constructed on the said parcels be compliant with the rules and regulations created by COAH.


NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey, that the Governing Body has authorized the Mayor as its designee to execute the attached Agreement as well as a Deed conveying Block 2702, Lots 14, 15 and 16, located at 113, 111 and 109 Munsonhurst Road in the Borough, respectively, to the Sussex County Habitat for Humanity, subject to the terms and conditions established in the attached Agreement, provided that the properties be compliant with the rules and regulations propounded by the Council on Affordable

Housing for low and/or moderate income occupancy, and further provided that said properties be deed restricted to those ends.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

CERTIFICATION: I, Robin Hough, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting of said Governing Body held on July 12, 2016.


Robin Hough, Municipal Clerk