

ORDINANCE NO. 12-05

**TOWNSHIP OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY**

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP OF WASHINGTON, WARREN COUNTY, NEW JERSEY AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-21(L) ET SEQ.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-21(l) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use, upon nominal consideration by certain organizations; and,

WHEREAS, Warren County Habitat for Humanity, Inc. is a non-profit organization dedicated to constructing housing for low or moderate income persons; and,

WHEREAS, the Township of Washington is the owner of certain real property not needed for public use and the Township Committee has determined that it is in the best interest of the Township to convey the property to the Warren County Habitat for Humanity in order to assist the Township in satisfying its affordable housing obligations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren, that the property designated by Block 18 Lot 15 hereto shall be conveyed to Warren County Habitat for Humanity for \$1.00 (one dollar).

BE IT FUTHER RESOLVED, that the subject property shall be sold pursuant to the further expressed conditions enumerated below:

1. Warren County Habitat for Humanity shall ensure that the property deed reflects affordability controls for at least 30 years as defined in N.J.A.C. 5:93-9 et seq., and as amended. This shall be recorded in the deed.
2. Warren County Habitat for Humanity shall ensure that the property is affirmatively marketed as defined in N.J.A.C. 5:93-11 et seq., and as amended. This shall be recorded in the deed.
3. Warren County Habitat for Humanity shall ensure an appropriate deed is available for review by the Township Attorney prior to the 2nd reading of this ordinance. Warren County Habitat for Humanity shall be responsible for all fees associated with filing the deed with the Warren County Clerk's Office.
4. Should the dwelling be sold within 30 years at an unrestricted market sale, any profit derived from the difference between the unrestricted market sale price and the restricted affordable price controls shall be partitioned 75% to the Township of Washington and 25% to Warren County Habitat for Humanity or its successors. This shall be recorded in the deed.
5. Warren County Habitat for Humanity must complete an affordable housing unit within 3 years of the property being conveyed or the property ownership will revert back to the Township of Washington. This shall be interpreted to mean that a Certificate of Occupancy has been issued to an individual(s) whose income falls into the prescribed regional income limits defined by the New Jersey Council on Affordable Housing. The Township of Washington shall not be responsible for any improvements made to the property in that event.

6. Warren County Habitat for Humanity shall be responsible for obtaining all the required approvals, site work and permits including, but not limited to: variances, zoning clearance, building permits, title insurance, surveys, septic and/or well design, driveway access and utility connections.
7. Any descriptions of the properties published by the Township of Washington are intended as a general guide only and may not be accurate. **NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF WASHINGTON AS TO THE CONDITIONS OF THE PROPERTY, SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITIONS "AS IS"**. The Township of Washington assumes no liability for the use and improvements of the property.
8. The conveyance is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Washington.
9. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section of provision so declared invalid shall be inseparable from the remainder or any portion thereof.

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held June 19, 2012 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on July 9, 2012 at 7:30 p.m. or as soon thereafter as the matter may be heard, at the Municipal Building, 211 Route 31 North, Washington, NJ, 07882, at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

Anna C. Godfrey
Township Clerk