

**BOROUGH OF FRANKLIN
ORDINANCE #10-2020**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN AUTHORIZING THE
CONVEYANCE OF MUNICIPAL PROPERTY LOCATED AT 25
SUSQUEHANNA STREET, BLOCK 803, LOT 4 TO SUSSEX COUNTY
HABITAT FOR HUMANITY FOR THE PURPOSE OF CONSTRUCTING
AFFORDABLE HOUSING PURSUANT TO N.J.S.A. 40A: 12-21(L)**

WHEREAS, the Borough of Franklin ("Borough") is a municipal corporation of the State of New Jersey and owner of a certain parcel of real property commonly known as 25 Susquehanna Street which is designated as Block 803, Lot 4 on the Official Tax Map of the Borough ("Property"); and

WHEREAS, the Property is vacant and not needed for public use by the Borough; and

WHEREAS, pursuant to N.J.S.A. 40A:12 21, when the governing body of a municipality determines that all or part of a tract of land owned by said municipality is not needed for municipal purposes, the governing body may authorize a private sale and conveyance of same to certain organizations for nominal consideration; and

WHEREAS, N.J.S.A. 40A:12-21(1) provides that a municipality may convey such land to a duly incorporated nonprofit housing corporation or any limited-dividend housing corporation or housing association for the purpose of constructing housing for low or moderate income persons or families or handicapped persons; and

WHEREAS, Sussex County Habitat for Humanity ("SCHFH") is a non-profit entity that is involved in the cooperative construction of homes for low and moderate income families; and

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to convey the Property to SCHFH for the purpose of constructing affordable housing within the Borough in furtherance of the Borough's constitutional affordable housing obligation.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Block 803, Lot 4 shall be conveyed to SCHFH for ONE DOLLAR (\$1.00) and NO CENTS.

BE IT FURTHER ORDAINED that the Property shall be sold pursuant to the further expressed conditions enumerated below:

1. SCHFH 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. SCHFH 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. SCHFH shall ensure an appropriate deed is available for review by the Borough Attorney prior to the Second Reading of this ordinance.
4. SCHFH shall be responsible for all fees associated with filing the deed with the Sussex County Clerk's Office.

5. The deed shall include a reversionary clause pursuant to which the Borough, at its option, shall have title revert back to the Borough if the Property is ever transferred to non-qualifying individual(s).

6. SCHFH must complete an affordable housing unit within 3 years of the Property being conveyed or ownership of said Property shall revert back to the Borough. 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.

7. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE BOROUGH AS TO THE CONDITIONS OF THE PROPERTY. SAID PROPERTY IS BEING SOLD IN ITS PRESENT CONDITIONS "AS IS". The Borough 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 Borough.

9. SCHFH is required to obtain all the required approvals, site work and permits including, but not limited to, zoning approval, building permits, title insurance, surveys, septic and/or well design, driveway access and utility connections; and any and all other provisions deemed reasonably necessary by the Borough Attorney and Borough Planner to effectuate the intent and purpose of this transaction to provide for the construction of affordable housing on the Property so that same may be conveyed to qualifying low income households in furtherance of the Borough's constitutional affordable housing obligation.


BE IT FURTHER ORDAINED that the Mayor and Clerk be and hereby are authorized to execute a contract with SCHFH to convey Block 803, Lot 4 as described herein and to take any and all other actions and to execute any and all documents necessary to convey the Property.

ATTEST:

BOROUGH OF FRANKLIN



Darlene J. Tremont, CLERK



BY: John M. Sowden IV, MAYOR

DATED: September 22, 2020

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 8, 2020, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on September 22, 2020, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.



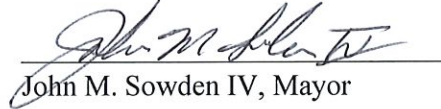
Darlene J. Tremont, Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 22nd day of September, 2020.



Darlene J. Tremont, Clerk
Borough of Franklin



John M. Sowden IV, Mayor

Introduced: September 8, 2020

Adopted: September 22, 2020

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X				X	
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT				X		
STEPHEN SKELLENGER	X					X
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X				X	
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					X
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

ORDINANCE #10-2020

AN ORDINANCE OF THE BOROUGH OF FRANKLIN AUTHORIZING THE CONVEYANCE OF MUNICIPAL PROPERTY LOCATED AT 25 SUSQUEHANNA STREET, BLOCK 803, LOT 4 TO SUSSEX COUNTY HABITAT FOR HUMANITY FOR THE PURPOSE OF CONSTRUCTING AFFORDABLE HOUSING PURSUANT TO N.J.S.A. 40A: 12-21(L)

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 8th day of September, 2020, and the same came up for final passage at a meeting of the said Borough Council on the 22nd day of September, 2020, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Darlene J. Tremont, Municipal Clerk