

ORDINANCE NO. 11 - 2016

AN ORDINANCE AUTHORIZING A RESTRICTIVE COVENANT FOR PERPETUAL AFFORDABLE HOUSING USE OF THE PROPERTY AT 260 TABOR ROAD, KNOWN AND DESIGNATED AS LOT 3.02, IN BLOCK 101 LOCATED IN THE BOROUGH OF MORRIS PLAINS, WHICH WAS DEDICATED, CONVEYED AND ACCEPTED BY THE BOROUGH FOR SUCH PURPOSES.

WHEREAS, on December 20, 2006, Pfizer, Inc. dedicated and conveyed its interest in property located at 260 Tabor Road, known and designated as Lot 3.02 in Block 101 on the Tax Maps of the Borough of Morris Plains for affordable housing purposes (the "Property"); and

WHEREAS, the Borough of Morris Plains accepted the dedication of the lands for such purposes and multi-family residential affordable housing is now being constructed on the Property; and

WHEREAS, the Borough is desirous of recording a Restrictive Covenant to ensure that the Property shall be used for affordable housing purposes in perpetuity.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

That the use of the Property located at 260 Tabor Road, known and designated as Lot 3.02 in Block 101 in the Borough of Morris Plains, Morris County, New Jersey, as described on Schedule A annexed hereto, shall be subject to the terms and conditions set forth in a Restrictive Covenant executed by the Borough of Morris Plains, which includes the following special conditions:

1. The sale, occupancy and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in the New Jersey Administrative Code at Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1 et seq., the "Uniform Controls") and any amendments, changes or supplements thereto.

2. The Property shall be used for the purpose of providing fifty-six (56) rental dwelling units for very low, low- and moderate-income households and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been income certified for that unit in writing, by the Borough or the Borough's designee. Sale of the Property shall be made expressly subject to these Deed Restrictions and Covenants and all deeds of conveyance must have these Deed Restrictions and Covenants appended thereto.

3. The Property shall be in compliance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) and any amendments, changes or supplements thereto..

4. If the applicable regulations governing affordable housing and/or UHAC are amended, the Borough shall undertake any and all efforts, including the development and recording of additional Deed Restrictions or other instruments, necessary to insure compliance with any and all affordable housing regulations in effect at the time so that the restricted units will be credited against the Borough of Morris Plains’ affordable housing obligation.

Section 2:

The Mayor and Clerk are hereby authorized and directed to execute the Restrictive Covenant, which shall be recorded in the Morris County Clerk’s Office, as well as the execution of any other documents necessary to effectuate the purpose of this Ordinance.

Section 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinances.

Section 4:

This Ordinance shall take effect after final passage and publication in accordance with law.

Introduced: July 21, 2016

Adopted: August 18, 2016

/s/ Frank J. Druetzler

SCHEDULE A
LEGAL DESCRIPTION

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Morris Plains, County of Morris, State of New Jersey:
BEGINNING at a point in the northwesterly side line of New Jersey Route 53 also known as Tabor Road, said point being distant 902.37 feet as measured southerly from the intersection of said side line of New Jersey Route 53 with the southerly side line of New Jersey Route 10 and running thence;

- (1) Along the northwesterly side line of Route 53, on a curve to the right having a radius of 1392.69 feet for an arc distance of 85.74 feet to a point of tangency; thence
- (2) Still along the same, South 19 degrees 10 minutes 20 seconds West, 198.65 feet to a point; thence
- (3) South 70 degrees 49 minutes 40 seconds East, 7.00 feet to a point; thence
- (4) Still along the same, on a curve to the left, having a radius of 1465.69 feet for an arc distance of 285.83 feet to a point; thence
- (5) North 70 degrees 31 minutes 12 seconds West, 248.29 feet to a point; thence
- (6) North 19 degrees 28 minutes 48 seconds East, 575.82 feet to a point; thence
- (7) South 68 degrees 24 minutes 12 seconds East, 207.96 feet to the point and place of BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING parcel of land which has previously been conveyed by the Grantor herein to the State of New Jersey by deed dated December 19, 2006 and recorded in the office of the Morris County Clerk simultaneously herewith:

All that certain lot, parcel or tract of land, situate and lying in the Borough of Morris Plains, County of Morris, State of New Jersey, and being more particularly described as follows:

Parcel 5D, as indicated on a map entitled: NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE U.S. 53 (1953), SECTION 1, FROM ROUTE U.S. 202 TO ROUTE 46, SHOWING EXISTING RIGHT OF WAY AND PARCELS TO BE ACQUIRED IN THE TOWNSHIPS OF DENVILLE AND PARSIPPANY-TROY HILLS AND BOROUGH OF MORRIS PLAINS, COUNTY OF MORRIS, DECEMBER 2004”:

Parcel 5D, including and specifically all the land and premises located at about Station 153+00 (Route U.S. 53(1953) Proposed Base Line Stationing), and more particularly described as follows:

BEGINNING at a point on the proposed westerly right of way line of Route U.S. 53 (1953) as laid down on the aforesaid map; said point being 30.00 feet (left) at Proposed Base Line Station 153+00.00 and running; thence

1. Along the proposed westerly R.O.W. line of U.S. Route 53 (1953), as laid down on the aforementioned maps, on a curve to the right, having a radius of 1,230.00 feet, a central angle of 07 degrees 43 minutes 55 seconds, a chord bearing of North 21 degrees 01 minutes 12 seconds East and distance of 165.86 feet an arc distance of 165.99 feet to a point; thence
2. Along the existing westerly R.O.W. line of U.S. Route (1953) on a curve to the left, having a radius of 1,465.69 feet a central angle of 08 degrees 45 minutes 08 seconds, a chord bearing South 17 degrees 29 minutes 26 seconds West and distance of 223.67 feet, an arc distance of 223.89 feet to a point; thence
3. North 65 degrees 24 minutes 18 seconds West, along the existing northerly R.O.W. line of New Jersey Power & Light Company, a distance of 8.62 feet to a point; thence
4. Along the proposed westerly R.O.W. line of U.S. Route 53 (1953), as laid down on the aforementioned maps, on a curve to the right, having a radius of 1,230.00 feet, a central angle of 02 degrees 39 minutes 34 seconds, a chord bearing North 15 degrees 49 minutes 27 seconds East and a distance of 57.09 feet, an arc distance of 67.09 feet to the point or place of beginning.

FOR INFORMATIONAL PURPOSES ONLY: Also known as Part of Lot 3.02, Block 101 on the Borough of Morris Plains Tax Map.