

**TOWNSHIP OF HOLMDEL**

**AN ORDINANCE OF THE TOWNSHIP OF HOLMDEL  
AUTHORIZING THE ACQUISITION OF THE PROPERTY  
IDENTIFIED ON THE TAX MAP OF THE TOWNSHIP OF  
HOLMDEL AS BLOCK 57 LOT 2 BY NEGOTIATED  
PURCHASE OR EMINENT DOMAIN**

**ORDINANCE NO. 2019-07**

**WHEREAS**, the Township of Holmdel filed a declaratory judgment action captioned In the Matter of the Application of the Township of Holmdel, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2523-15 (the “Mt. Laurel Litigation”) in July 2015 following the New Jersey Supreme Court’s decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing (the “Mt. Laurel IV”), wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Township of Holmdel were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mt. Laurel* obligations in order to maintain immunity from builder’s remedy litigation; and

**WHEREAS**, the Fair Share Housing Center, (“FSHC”) has been recognized by the Supreme Court as an interested party that may participate as a matter of right in all cases filed by municipalities pursuant to the Mount Laurel IV case including the Township’s Mt. Laurel Litigation; and

**WHEREAS**, the Township entered into a First Amended Settlement Agreement with FSHC on January 11, 2019 (the “Settlement Agreement”) which establishes the mechanisms by which the Township will meet its Third Round affordable housing obligation (1999-2025) including a one hundred percent 50-unit affordable family rental project which will provide the Township with 50 family rental credits and 50 bonus credits towards its total affordable housing obligation, known as the Middle Road Project located on Block 57, Lot 2 on the tax map of the Township of Holmdel (the “Middle Road Property”); and

**WHEREAS**, the Settlement Agreement obligates the Township to meet the requirements of N.J.A.C. 5:93-5.5 with respect to the Middle Road Project, including the requirement to have site control of the Middle Road Property at the time of the final compliance hearing either through a voluntary purchase or acquisition in accordance with the Township’s powers under the Eminent Domain Act, N.J.S.A. 20-3.1 et. seq.; and

**WHEREAS**, the Court appointed Special Master, Michael P. Bolan, AICP, PP issued a report dated March 29, 2019 recommending that the Court approve the Settlement Agreement between the Township and FSHC subject to certain conditions, including requiring the Township to demonstrate site control of the Middle Road Property by the time of the final compliance hearing; and

**WHEREAS**, the Court entered an Order of Fairness and Preliminary Compliance on May 1, 2019 preliminarily approving the Settlement Agreement between the Township and FSHC subject to the conditions outlined in the Special Master’s Report dated March 29, 2019, including demonstrating site control of the Middle Road Property by the time of the final compliance hearing, which is scheduled for October 24, 2019; and

**WHEREAS**, Robert Gagliano, MAI, CRE of Gagliano & Associates, Inc. has issued an appraisal on behalf of the Township valuing the Middle Road Property at one million five hundred twenty thousand dollars (\$1,520,000.00) with a valuation date of May 29, 2019; and

**WHEREAS**, the Township Committee of the Township of Holmdel now wishes to authorize the acquisition of the Middle Road Property by negotiated purchase or eminent domain in order to assist the Township in meeting its constitutional obligation to provide for its fair share of affordable housing in accordance with its obligation under the Settlement Agreement and the Court's Order of Fairness and Preliminary Compliance dated May 1, 2019; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Holmdel, in the County of Monmouth and State of New Jersey that it hereby authorizes the acquisition of property identified on the tax map of the Township of Holmdel as Block 57, Lot 2 by negotiated purchase or eminent domain in an amount not to exceed \$1,520,000.00; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

HOLMDEL TOWNSHIP COMMITTEE

TOWNSHIP OF HOLMDEL  
NOTICE OF PUBLIC HEARING  
ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE TOWNSHIP OF HOLMDEL  
AUTHORIZING THE ACQUISITION OF THE PROPERTY  
LOCATED AT BLOCK 57, LOT 2 IN THE TOWNSHIP OF  
HOLMDEL BY NEGOTIATED PURCHASE OR EMINENT  
DOMAIN**

The foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Holmdel at a meeting held on June 25, 2019 and will be considered for final passage after a public hearing at a meeting of the Township Committee to be held on July 9, 2019 at the Holmdel Township Municipal Building, 4 Crawford's Corner Road, Holmdel, New Jersey, at 7:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

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Wendy L. Patrovich, RMC/CMR