TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

RESOLUTION #18-234

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE: A) AN AGREEMENT FOR WASTEWATER TREATMENT CAPACITY FOR THE PROVISION OF AFFORDABLE HOUSING WITH THE RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND; B) AN ASSIGNMENT AND ASSUMPTION AGREEMENT FOR WASTEWATER TREATMENT CAPACITY FOR THE PROVISION OF AFFORDABLE HOUSING WITH ENCLAVE AT RARITAN, LLC

WHEREAS, The Township of Raritan ("Township") has an obligation to meet certain affordable housing requirements as set forth in the Fair Housing Act, N.J.S.A. 52:27D-301, and by the New Jersey Supreme Court pursuant to Southern Burlington County N.A.A.C.P. v. Twp of Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I") and its progeny; and

WHEREAS, the Township has filed a declaratory judgement action pursuant to the New Jersey Supreme Court's decision in IMO the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015); and

WHEREAS, the Township is attempting to settle this matter on favorable terms, the result of which will be that affordable units will be developed within the sewer service area and will need to be served by the Raritan Township Municipal Utilities Authority ("RTMUA"); and

WHEREAS, in order to obtain such necessary wastewater treatment capacity, the Township must enter into an Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing with the RTMUA; and

WHEREAS, to ensure that said capacity is used for affordable housing purposes, the Township must also enter into an Assignment and Assumption Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing with Enclave at Raritan, LLC a developer of affordable housing in the Township.

NOW, THEREFORE BE IT RESOLVED, on this 4th day of December, 2018, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that:

1. The Mayor and Township Clerk are authorized to execute the Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing with the RTMUA, attached hereto as Exhibit "A."

2. The Mayor and Township Clerk are authorized to execute the Assignment and Assumption Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing, attached hereto as Exhibit "B."

ATTEST:

Lisa Fania, RMC
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Michael Mangin
Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by vote by the Township Committee of the Township of Raritan at a meeting held on December 4, 2018.

Lisa Fania, RMC
Township Clerk