

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

RESOLUTION #19-135

**A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT FOR
WASTEWATER TREATMENT CAPACITY FOR THE PROVISION OF
AFFORDABLE HOUSING WITH RARITAN JUNCTION, 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 RTMUA; and

WHEREAS, the Township has obtained wastewater treatment capacity by way of an Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing with the Raritan Township Municipal Utilities Authority which was approved by the Township on December 4, 2018 by way of Resolution 18-234 for 69,000 gpd/230 EDUs which is attached hereto as Exhibit “A;” and

WHEREAS, of that capacity, the Township has 27,600 gpd/92 EDUs remaining (“Remaining Capacity”); and

WHEREAS, to ensure that said Remaining 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 Raritan Junction, LLC, a developer of affordable housing in the Township.

NOW, THEREFORE BE IT RESOLVED, on this 5th day of June, 2019, 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 Assignment and Assumption Agreement for Wastewater Treatment Capacity for the Provision of Affordable Housing attached hereto as Exhibit “B.”

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Lisa Fania, RMC
Township Clerk



Jeff Kuhl
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 the Township Committee of the Township of Raritan at a meeting held on June 5, 2019.



Lisa Fania, RMC
Township Clerk