

**Board of County Commissioners  
Morris County, New Jersey**

**RES-2023-1033**

**Adopted: December 6, 2023**

**WHEREAS**, by previous Resolution No. 42 adopted June 28, 2017, the County approved a long-term lease with the Morris County Affordable Housing Corporation for County-owned property off Ketch Road (the “Property”), consisting of a portion of Lots 1 and 1.01, Block 1901 totaling approximately 3.560 acres, for construction of affordable housing, which affordable housing has not yet been approved or constructed; and

**WHEREAS**, Morris Township requests the County consider transferring the Property to Morris Township for the purpose of constructing fifty (50) affordable housing units (the “Project”) in order to meet its affordable housing obligation pursuant to a judicial consent order under Docket No. MRS-L-217-22 resolving litigation commenced by Fair Share Housing Center against Morris Township and other parties, relative to the municipal approval of the New York Red Bulls state-of-the-art athletic complex to be constructed in Morris Township; and

**WHEREAS**, the Morris County Affordable Housing Corporation has indicated a willingness to terminate its lease in order to allow Morris Township to meet its affordable housing obligation; and

**WHEREAS**, in addition it will be necessary to modify the lease between the County and Arc Morris County Chapter NJ Inc. (Arc) to further provide land for the proposed project; and

**WHEREAS**, Arc has approved a resolution stating its intention of seeking a modification of the lease and the Project developer has agreed to provide five (5) units for special needs housing for adults with developmental disabilities; and

**WHEREAS**, in order for the Project developer to obtain tax credits which will make the project economically feasible, it must have ownership of the Property; and

**WHEREAS**, Morris Township had requested the County transfer ownership of the Property to Morris Township and Morris Township would transfer the Property to the 100% affordable housing Project developer; and

**WHEREAS**, the Board of County Commissioners of the County of Morris is authorized by statute, specifically N.J.S.A. 40A:12-13.3, et seq., to donate or otherwise transfer title to County owned property free of charge to a municipality.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of the County of Morris in the State of New Jersey hereby agree to transfer the Property to Morris Township for the sum of one (\$1) dollar, by contract documents to be drafted and executed by and between the parties at a future date, subject to the following:

1. Mutual termination of the lease with the Morris County Affordable Housing Corporation.
2. Renegotiation of the lease with Arc Morris County Chapter NJ Inc. to include a reduction in the lot area of the premises leased to Arc.
3. Negotiation of a contract of sale with Morris Township, which includes a reverter clause returning the Property to the County in the event the Property is no longer used for affordable housing, with the understanding that Morris Township intends to transfer title to the designated Project developer for the financing, construction and management of the Project and to do so with the same or a substantially similar reverter clause.

4. The Agreement shall require Morris Township to reimburse the County for all reasonable expenses arising out of the property transfer.

5. The designated Project developer successfully obtaining the required tax credits sufficient for Morris Township to determine if it is economically feasible for the Township to proceed with the financing and construction of the Project.

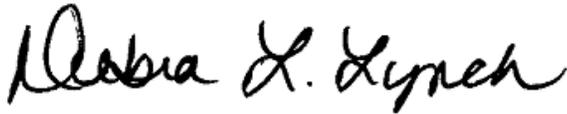
6. The obtaining of the required subdivision and related municipal land use approvals.

7. The Project developer obtaining all required land use approvals.

8. The Commissioner Director, the Commissioner Deputy Director, or the County Administrator are hereby authorized and directed in consultation with the County Counsel, to execute and deliver all contract and lease agreements and any other documents necessary to effectuate the terms of this Resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Deborah Smith, Commissioner
<b>SECONDER:</b>	Stephen H. Shaw, Commissioner
<b>AYES:</b>	Krickus, Myers, Mastrangelo, Selen, Shaw, Smith
<b>ABSENT:</b>	Cabana

*I hereby certify the above to be a true copy of a resolution adopted by the Board of County Commissioners of the County of Morris at a regular meeting on December 6, 2023.*



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Debra L. Lynch, Clerk of the Board