

**RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN DEED RESTRICTIONS
UPON TOWNSHIP-OWNED REAL PROPERTY LOCATED ON VIKING AVENUE
AND IDENTIFIED AS BLOCK 287.02, LOTS 24-27 PURSUANT TO N.J.S.A. 40:60-
51.2**

WHEREAS, on November 10, 1988 the Township of Franklin conveyed certain premises described as Block 287.02, Lot 24 as shown on the Tax Map of the Township of Franklin, Somerset County, to Dethor Legrand; and

WHEREAS, the deed for said conveyance contained the following deed restriction:

“No dwelling or similar structure shall be erected on the above-described premises unless said premises are combined with adjoining premises to form a parcel conforming with the area and yard requirements of the Development Ordinance. This covenant shall run with the land and be binding upon the grantee, his heirs, executors, administrators and assigns”; and

WHEREAS, on September 4, 1973 the Township of Franklin conveyed certain premises described as Block 287.02, Lots 25-27 as shown on the Tax Map of the Township of Franklin, Somerset County to John and Jennie Williams; and

WHEREAS, the deed for said conveyance contained the following deed restriction:

“This conveyance is made subject to the restriction that no dwelling house shall be erected on the premises. This restrictive covenant shall run with the land”; and

WHEREAS, on November 28, 1986, John and Jennie Williams conveyed the said Block 287.02, Lots 25-27 to Dethor Legrand; and

WHEREAS, by virtue of that conveyance, as of November 28, 1986, fee title to Block 287.02, Lots 24-27 was vested in Dethor Legrand; and

WHEREAS, by virtue of a Final Judgment entered in Tax Foreclosure on or about March 28, 1995 in the Superior Court of New Jersey – Somerset County against Dethor Legrand, the Township of Franklin reacquired title to the said Block 287.02, Lots 24-27; and

WHEREAS, the Township of Franklin subsequently entered into an Amended Development Agreement with Raritan Valley Habitat for Humanity, Inc. (“Habitat”) (the said Amended Development Agreement hereafter the “Agreement”), pursuant to which the Township of Franklin agreed, among other things, to convey certain

Township-owned real property to Habitat for the construction and provision of affordable housing within the Township of Franklin; and

WHEREAS, pursuant to Schedule B of the Agreement, Block 287.02, Lots 24-27 are among the Township-owned properties that are to be conveyed to Habitat pursuant to the terms of the Agreement; and

WHEREAS, in accordance with the terms of the Agreement, Habitat has requested the Township to remove and release the aforementioned restrictions from the title of Block 287.02, Lots 24-27, so that same may be ultimately be conveyed to Habitat from the Township, by deed without the said restrictions, to facilitate the construction of affordable housing, all as contemplated by the Agreement; and

WHEREAS, notice in accordance with N.J.S.A. 40:60-51.2 has been duly given; and

WHEREAS, the Township Council held a public hearing on the matter on June 23, 2009, [at which time no objection to the release of the said restrictions was presented or raised]; and

WHEREAS, the Township Council, based upon the foregoing, and based upon the discussion which occurred at the public hearing on June 23, 2009, is satisfied that the release of the aforementioned restrictions is in the best interests of the Township, and will help facilitate the provision of affordable housing under the Agreement with Habitat.

NOW, THEREFORE, BE IT RESOLVED this 23rd day of June, 2009 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey:

1. That the Mayor and Township Clerk be and the same hereby authorized and directed to execute a Deed to Raritan Valley Habitat for Humanity, Inc. for Lots 24-27 in Block 287.02, unencumbered by the aforesaid deed restrictions.
2. In all other respects, however, the deed to Habitat shall contain the usual and customary restrictions and recitations applicable to all conveyances of real property for the provision of affordable housing in this State in accordance with applicable law.
3. This Resolution shall take effect immediately, and may be recorded with, or referenced within, the aforementioned Deed as indicia of the release of the aforementioned restrictions of record by the Township of Franklin.

CERTIFICATION

I, Ann Marie McCarthy, Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a regular meeting held on the 23rd day of June, 2009.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 24th day of June, 2009.

Ann Marie McCarthy
Township Clerk