

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 005-2018**

**TRANSFER TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY**

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**WHEREAS**, Township Committee of the Township of Upper, County of Cape May of the State of New Jersey desires to sell land to the Habitat for Humanity, Cape May County, Inc., a Non-Profit Corporation of the State of New Jersey 08210 (“Habitat for Humanity”); and

**WHEREAS**, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale; and (1) Any duly incorporated nonprofit housing corporation for the purpose of constructing housing for low or moderate income persons or family or handicapped persons; and

**WHEREAS**, the Township of Upper owns a parcel of land which can be developed as a single family residential home; and

**WHEREAS**, the Township of Upper has an obligation to provide low and moderate affordable housing; and

**WHEREAS**, the Habitat for Humanity is a non-profit entity which has a purpose of constructing housing for low and moderate income persons; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

**SECTION 1:**

1. The Township Committee of the Township of Upper, shall sell to Habitat for Humanity two parcels of land identified on the Official Tax map of the Township of Upper as: 43 Redwood Avenue, Block 527, Lots 12-21 and 41 Redwood Avenue, Block 527 Lots 22-31.
2. The sale price shall be for \$1.00.
3. Each parcel shall be deed restricted so as to provide that a single family residential dwelling shall be built upon it within 24 months or the land shall revert to the Township of Upper.

4. Each property shall be deed restricted so that the single family residential dwelling shall be COAH compliant and so that the Township of Upper will be credited for having COAH compliant units in the Township of Upper. The Township understands that the efforts to make this COAH compliant may fail due to the State's affirmative marketing requirements.
5. The Township shall review and approve the exterior design of each house to ensure that each house shall not be substantially alike in exterior design and appearance.
6. The Township makes no promise or warranty as to the physical condition or status of the title to these properties as they are transferred completely AS IS. If there is a defect in the title or condition of either parcel, the sole right of Habitat for Humanity is to cancel the transaction before transfer of the deed with no further liability between the parties.
7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

**SECTION 2:** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 3:** Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:

  
BARBARA L. YOUNG, Township Clerk

  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26th DAY OF MARCH, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23rd DAY OF APRIL, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 26, 2018

Publication: March 29, 2018

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: April 23, 2018

Final Adoption: April 23, 2018

Final Publication Date: April 26, 2018

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 23, 2018 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on April 26, 2018.

  
BARBARA L. YOUNG, Township Clerk