

TOWNSHIP OF WALL

RESOLUTION NO. 22-1117

**AUTHORIZATION TO EXECUTE A DEVELOPER'S AGREEMENT WITH
JSM AT 1880 HIGHWAY 34 WALL, LLC BLOCK 945 LOT 11 – 1880
HIGHWAY 34**

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Township of Wall (hereinafter "Wall Township" or the "Township") filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Township simultaneously sought, and ultimately secured, a protective order providing Wall Township immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

WHEREAS, with assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Township and FSHC on December 18, 2019 (hereinafter "FSHC Settlement Agreement"); and

WHEREAS, a Fairness Hearing was held on June 24, 2020, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on July 21, 2020; and

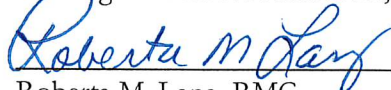
WHEREAS, the Township intends to enter into a Developer's Agreement with JSM at 1880 Highway 34 Wall, LLC (hereinafter the "Developer") to effectuate the development of 350 dwelling units, 72 of which would be set aside as affordable to very-low, low and moderate income households (the "Project") located at Block 945, Lot 11, on the official tax map of the Township of Wall and commonly referred to as the 1880 Highway 34 Wall Site (the "Property"); and

WHEREAS, in light of the above, the Township Committee finds that it is in the best interest of Wall Township to enter into a Developer's Agreement with JSM at 1880 Highway 34 Wall, LLC, which will assist the Township in gaining Court approval of its Fair Share Plan which, in turn, will maintain the Township's immunity from all Mount Laurel lawsuits through July 2, 2025.

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of November 2022, by the Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

1. The Township Committee hereby authorizes and directs the Mayor of Wall Township to execute the Developer's Agreement between the Township and JSM at 1880 Highway Wall 34, LLC, in a form acceptable to the Developer, the Township Administrator and the Township's Legal Counsel.

I, Roberta M. Lang, Township Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on November 22, 2022.



Roberta M. Lang, RMC
Township Clerk