

R16-96
**RESOLUTION OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY APPROVING THE
SETTLEMENT OF CERTAIN LITIGATION WITH
FAIR SHARE HOUSING CENTER, INC., AND
AUTHORIZING THE EXECUTION OF ALL
DOCUMENTS NECESSARY TO IMPLEMENT SAID
SETTLEMENT**

WHEREAS, the Borough of Merchantville (hereinafter “Merchantville”) is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, Fair Share Housing Center, Inc., (hereinafter “FSHC”) is a New Jersey corporation located in Cherry Hill, New Jersey, which is a public interest organization representing the housing rights of New Jersey's poor, and an interested party in connection with the lawsuit, has sought to enhance to opportunities for low and moderate income housing within the State of New Jersey; and.

WHEREAS, Merchantville, on or about June 30, 2015, brought a Complaint for Declaratory Judgment of Compliance in accordance with the Mount Laurel constitutional obligation; and

WHEREAS, Merchantville and FSHC have agreed to settle this litigation upon the terms that are set forth in a certain Settlement Agreement approved by both the Borough and FSHC, a copy of which is attached hereto as Exhibit A, with this settlement resulting in an amendment to Merchantville’s Affordable Housing Ordinance, which shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within Merchantville pursuant to the proposed Housing Element and Fair Share Plan; and

WHEREAS, Merchantville and FHSC have reduced the terms and conditions of this agreement to a Settlement Agreement, a copy of which is attached hereto as Exhibit A; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to execute the appropriate settlement documents on behalf of the Borough of Merchantville.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under N.J.S.A. 40:48-1 et seq., the Settlement Agreement by and between Merchantville and FSHC, a copy of which is attached hereto as Exhibit A, be and is hereby approved; and

AND BE IT FURTHER RESOLVED that Edward F. Brennan, Mayor of the Borough of Merchantville, Timothy J. Higgins, Borough Attorney of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents necessary to implement this settlement on behalf of the Borough of Merchantville.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

I, **DENISE BROUSE**, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by Borough Council at a meeting of said Borough Council on July 11, 2016, and that said Resolution passed by a majority vote of the members of Borough Council.

DENISE BROUSE, BOROUGH CLERK