

RESOLUTION NO. 24-___

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING QUITCLAIM DEED RELEASING
AFFORDABILITY CONTROLS FOR ACCESSORY APARTMENT UNIT
LOCATED AT BLOCK 524, LOT 91, COMMONLY KNOWN AS 11 CHERRY
TREE FARM ROAD**

WHEREAS, pursuant to the Fair Housing Act, the Township of Middletown (the "**Township**") is responsible for the administration of affordable housing units within its borders; and

WHEREAS, on or about March 24, 2010, the Township entered into an Affordable Housing Agreement, Declaration of Covenants, Conditions and Restrictions of Accessory Apartments (the "**Agreement**") with Thomas P. Largey and Joan C. Largey (the "**Owners**") relating to their property located at Block 524, Lot 91, more commonly known as 11 Cherry Tree Farm Road (the "**Property**"); and

WHEREAS, the address of the deed restricted accessory apartment, as defined in the Agreement, is 11-A Cherry Tree Farm Road, Middletown, New Jersey 07748 (the "**Accessory Apartment**"); and

WHEREAS, the Agreement was recorded in the Office of the Monmouth County Clerk on April 5, 2010 in Deed Book 8826 at Page 5090 against the Property; and

WHEREAS, pursuant to the Agreement, the Owners were restricted to rent the Accessory Apartment to certified low and modified income households only in order to maintain the affordability controls; and

WHEREAS, pursuant to Agreement, the affordability controls, covenants and restrictions set forth in the Agreement (the "**Restrictions**") expired on March 23, 2020 (the "**Expiration Date**"); and

WHEREAS, the Expiration Date has passed, and in order for Owner to have and/or deliver clear and marketable title to the Property, it is required that the Restrictions be discharged and released from the Property's title; and

WHEREAS, it is the recommendation of the Township's Director of Planning and Township Administrator to release the Restrictions on the Property by executing a Quit Claim Deed Releasing Ownership Unit from Affordability Controls attached hereto as Exhibit A as the Owner is not required to and/or was not willing to renew the Property's affordability controls.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Township's Administrative Agent is hereby authorized in accordance with N.J.A.C. 5:80-26.5(i) to take all necessary actions required to release the affordable housing restrictions on the Property.

BE IT FURTHER RESOLVED that the Mayor, Township Clerk and Township Attorney are authorized to execute the appropriate release and all documents necessary to effectuate the release the affordable housing restrictions on the Property as set forth herein.

BE IT FURTHER RESOLVED that if any sentence, paragraph or section of this resolution, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action an sentence, paragraph or section of this resolution shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this resolution.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon passage according to law.