

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2020-161

Council Meeting Date: 07-13-2020

Date Adopted: 07-13-2020

TITLE: RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO LEASE AGREEMENT BETWEEN THE BOROUGH OF NEW PROVIDENCE AND URBAN RENEWAL ASSOCIATES, L.P. DATED JUNE 27, 1994

Councilperson Muñoz submitted the following resolution, which was duly seconded by Councilperson DeSarno.

WHEREAS, the members of New Providence Affordable Housing and Urban Renewal Associates, L.P. agreed to enter into an Amendment to the Lease of June 27, 1994 between the Borough of New Providence and Church Coalition for New Providence Affordable Housing Corporation to delete the provision in Paragraph Eleven of said Lease requiring any applicant for residency in the complex operated by Renewal Associates to be residents of the Borough of New Providence; and

WHEREAS, on June 22, 2020 the Borough Of New Providence adopted Resolution 2020-153 "Resolution Approving Amendment To Lease Agreement Between The Borough Of New Providence And Urban Renewal Associates, L.P. Dated June 27, 1994.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk are authorized to execute same on behalf of the Borough of New Providence, in the form attached.

This Resolution shall take effect immediately.

APPROVED, this 13^h day of July, 2020.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GEOFFROY	X			
MATSIKLOUDIS	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 13th day of July, 2020.

Wendi B. Barry, Borough Clerk

FIRST AMENDMENT OF LEASE AGREEMENT

This First Amendment of Lease Agreement is entered into this ____ day of July, 2020 between the Borough of New Providence, a municipal corporation of the State of New Jersey, hereinafter referred to as the "Lessor", and New Providence Affordable Housing and Urban Renewal Associates, L.P., a New Jersey limited partnership, hereinafter referred to as "Lessee".

WHEREAS, Lessor and the Church Council for New Providence Affordable Housing, a non-profit corporation, hereinafter referred to as "CCNPAH", entered into an Agreement of Lease on June 27, 1994 pursuant to which the Lessor leased a portion of property known as Lot 14 in Block 50 on the Tax Map of the Borough of New Providence to CCNPAH for a period of 30 years for purposes of construction and operation of 22 apartment units and appurtenances, which lease included a provision at paragraph 11 that the Borough required that residential occupancy shall extend on a continuing basis to low-income senior citizens who have been residents of the Borough for at least one year prior to application for residency within the project; and

WHEREAS, CCNPAH assigned its leasehold interest in the property to the Lessee in 1995 and the parties have continued to operate under said Lease; and

WHEREAS, the parties acknowledge that the restriction in paragraph 11 of the Lease allowing only residents of the Borough to obtain housing within the project is a violation of current affordable housing laws and regulations, and the Lessor has determined that it is necessary to include the housing project in its Fair Share Agreement and has done so;

NOW, THEREFORE, in consideration of the mutual promises contained herein, Lessor and Lessee do hereby agree as follows:

Paragraph 11 of the Agreement of Lease dated June 27, 1995 shall be and is hereby deleted and shall be replaced with the following language:

The Lessor requires that residential occupancy shall extend on a continuing basis to low-income senior citizens.

All other terms and conditions of the original Lease remain as set forth therein and are incorporated herein as if set forth at length.

IN WITNESS WHEREOF, the undersigned, intending to be legally bound hereby, have duly executed this First Amendment of Lease Agreement on this ____ day of July, 2020.

WITNESS

BOROUGH OF NEW PROVIDENCE

By: _____
Al Morgan, Mayor

NEW PROVIDENCE AFFORDABLE
HOUSING AND URBAN RENEWAL
ASSOCIATES, L.P.

By: _____
John Malinaunkus, Trustee
Of The Church Coalition for New
New Providence Affordable Housing
Corporation, General Partner of
New Providence Affordable Housing
& Urban Renewal Associates, L.P.