

**RESOLUTION NO. 51-2023
BOROUGH OF SEA GIRT**

**RESOLUTION APPROVING SETTLEMENT AGREEMENT OF THE MATTER
CAPTIONED IN THE MATTER OF THE APPLICATION OF THE BOROUGH
OF SEA GIRT, DOCKET NO. MON- L-2312-2020**

UPON MOTION of Councilman Clemmensen, seconded by Councilman Zakin, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough was the subject of a Mount Laurel exclusionary zoning suit filed in the Superior Court of New Jersey entitled 501 Washington Blvd, LLC, 503 Washington Blvd., LLC, Sea Girt Fifth Avenue LLC, Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, and Sea Girt Planning Board, (the plaintiffs shall be collectively referred to as the “Developer”), Docket No. MON-L-000102-20, seeking to compel the Borough to provide a realistic opportunity for the construction of housing affordable to low and moderate-income households and their fair share of the housing region’s need for such housing, (the “Builder’s Remedy Action”); and

WHEREAS, the Borough instituted a declaratory judgment action entitled In the Matter of the Application of the Borough of Sea Girt, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. L-2312-2020 (the “Mt. Laurel Litigation) wherein the Borough sought a declaration as to its affordable housing obligation and the opportunity to develop a plan to meet its constitutional obligation to provide for its fair share of affordable housing so as to prevent additional builder’s remedy lawsuits; and

WHEREAS, the Borough and the Borough Planning Board entered into a Settlement Agreement with the Developer in the Builder’s Remedy Action and the Court approved the Settlement Agreement after conducting a Fairness Hearing on June 3, 2021 finding it fair, reasonable and adequately protecting the interests of very low, low and moderate-income households in the region; and

WHEREAS, the Fair Share Housing Center (“FSHC”) has been recognized by the Supreme Court in Mt. Laurel IV as an interested party that may participate as a matter of right in all cases filed by municipalities seeking a declaration as to their affordable housing obligation, including the Borough of Sea Girt; and

WHEREAS, to avoid the large expense and risk of trial as to fair share methodology and the proposed compliance mechanisms required to meet the Borough’s fair share obligation, the Borough and FSHC has reached a settlement to resolve the Mt. Laurel Litigation and they wish to memorialize the terms in the form of a Settlement Agreement; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to resolve the Mt. Laurel Litigation with Fair Share Housing Center to satisfy its constitutional obligation to provide for its fair share of affordable housing from 1987-2025 and to obtain immunity from builder’s remedy litigation through July 1, 2025.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Sea Girt, in the County of Monmouth and State of New Jersey, that it hereby approves the Settlement Agreement in the Mt. Laurel Litigation, and it hereby authorizes the mayor to execute the Settlement Agreement in a form acceptable to the Borough Attorney and the Borough’s Special Affordable Housing Counsel.

**RESOLUTION NO. 51-2023
BOROUGH OF SEA GIRT**

**RESOLUTION APPROVING SETTLEMENT AGREEMENT OF THE MATTER
CAPTIONED IN THE MATTER OF THE APPLICATION OF THE BOROUGH
OF SEA GIRT, DOCKET NO. MON- L-2312-2020**

Recorded Vote:

| | AYES | NAYS | ABSENT | ABSTAIN |
|---------------------------|------|------|--------|---------|
| Councilman Clemmensen | X | | | |
| Councilman Perry | X | | | |
| Councilman Zakin | X | | | |
| Council President Anthony | X | | | |
| Councilman Downey | X | | | |
| Councilwoman Richman | | | X | |

I, Dawn Harriman, Municipal Clerk, Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby *certify* that the foregoing resolution was duly adopted by the Borough Council at the April 26, 2023 meeting.

Dawn Harriman
