



RESOLUTION 20-342

Resolution Authorizing A Settlement Agreement With 375 Terhune LLC And The Municipality of Princeton

WHEREAS, 375 Terhune LLC (“375 Terhune”) is the owner of certain real property located at 375 Terhune Road in Princeton, which is designated as Lots 4.01 and 4.02 in Block 7401 on the official Tax Map of Princeton (the “Property”); and

WHEREAS, the Property was previously identified by the Municipality of Princeton (“Princeton”) as a potential site for an affordable housing inclusionary development in conjunction with Princeton’s declaratory judgment action pending before the Superior Court of New Jersey entitled In the Matter of the Application of the Municipality of Princeton in Mercer County, bearing Docket No. MER-L-1550-15 (the “DJ Action”); and

WHEREAS, Princeton and interested party Fair Share Housing Center (“FSHC”) engaged in good faith negotiations and participated in a mediation and were able to successfully reach a settlement agreement in the DJ Action, dated December 18, 2019 (the “Settlement Agreement”) that resolved the issues and claims brought by FSHC over Princeton’s compliance with its third round affordable housing obligations, with said Settlement Agreement approved by the Court at a Fairness Hearing held on February 7, 2020 (the “Fairness Hearing”); and

WHEREAS, the Property was ultimately not included as an affordable housing compliance mechanism in the Settlement Agreement; and

WHEREAS, in advance of the Fairness Hearing, 375 Terhune filed written comments and objections to the Settlement Agreement in the DJ Action and also filed a Complaint in Lieu of Prerogative Writs in a separate action entitled 375 Terhune LLC vs. Municipality of Princeton; Mayor and Council of Princeton; Princeton Planning Board; 100 & 101 Thanet Circle LLC and AvalonBay Communities, Inc., Docket No. MER-L-245-20 (the “PW Action”), said action, among other things, challenging Resolution No. 19-400, adopted December 18, 2019, designating a certain parcel known as Lot 4 in Block 5502 as a non-condemnation redevelopment area; and

WHEREAS, following the Fairness Hearing, Princeton and 375 Terhune engaged in discussions to resolve the comments, objections and concerns raised by 375 Terhune in both the DJ Action and the PW Action; and

WHEREAS, the Parties were able to reach agreement on a potential rezoning of the Property in such a way as to permit 375 Terhune to develop the Property with an inclusionary development that would not only provide an important pedestrian connection between the redevelopment proposed on Lot 4 and the nearby Princeton Shopping Center, but also provide additional affordable housing opportunities that will assist Princeton in addressing its future affordable housing obligations; and

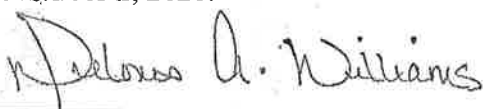
WHEREAS, a settlement with 375 Terhune presents an opportunity to resolve the various matters pending between them, will result in significant cost savings and other benefits to the Parties, will provide certainty regarding the outcome of the claims asserted, will permit Princeton to proceed with its compliance mechanisms, and presents a unique opportunity to facilitate a new development vision for the Property that serves not only the interests of the Parties, but the interests of the general public as well.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Municipality of Princeton, on this 2nd day of November, 2020, as follows:

1. The preamble to this resolution is hereby incorporated as if fully restated herein.
2. Princeton is hereby authorized to enter into a Settlement Agreement with 375 Terhune LLC as set forth and authorized by this Resolution. The Mayor and Clerk are authorized and directed to sign the Settlement Agreement on behalf of Princeton, a copy of which is on file in the Municipal Clerk’s Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Municipal Attorney in consultation with the Mayor and Administrator.
3. The Princeton Mayor, Administrator, Clerk, Finance Officer, Attorney, and other appropriate officers, employees and professionals are hereby authorized and directed to prepare and execute any and all documents regarding the agreement authorized above and undertake any and all further acts necessary to accomplish the purposes hereof.
4. This resolution shall take effect immediately.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X	X		X			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Ms. Pirone Lambros		X		X	X			
Ms. Sacks		X			X			
Mr. Williamson		X			X			
Mayor Lempert		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held November 2, 2020.



Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- 2020-10-29 375 Terhune Settl Agmt (PDF)