

Agenda Item No.: 5

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights (the "Township") and the Church of the Little Flower ("Little Flower") have discussed and negotiated the potential exchange of land in the Township of Berkeley Heights; and

**WHEREAS**, the Township owns the property identified as Block 1301, Lot 21, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"); and

**WHEREAS**, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the "Little Flower Property"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-16, the Township is authorized to exchange any lands or any rights or interests therein owned by the Township, for other lands or rights or interests therein desired for public use; and

**WHEREAS**, any lands to be conveyed to the Township in exchange for Township land shall be valued at no more than the "full and fair value" determined for the land; and

**WHEREAS**, the Township shall provide cash consideration where the lands to be conveyed by the Township is less than lands to be conveyed to the Township, and the Township's acquisition is more advantageous to the Township for public use than the lands to be conveyed from the Township, and it is in the public interest that such exchange of land be consummated; and

**WHEREAS**, the Township and Little Flower negotiated the exchange of the Library Property and the Little Flower Property, along with all improvements thereon; and

**WHEREAS**, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the Berkeley Heights Public Library; and

**WHEREAS**, the Township and Little Flower each obtained an independent appraisal of the Library Property and the Little Flower Property; and

**WHEREAS**, based on the analysis of the appraisals obtained, the value of the Little Flower Property exceeds the value of the Library Property by the sum of \$2,845,000.00; and

**WHEREAS**, there are numerous contingencies relating to the potential land exchange, including, without limitation, the redevelopment of the existing Township municipal complex; and

**WHEREAS**, the Township and Little Flower wish to enter into a Memorandum of Understanding setting forth the general terms of the proposed land exchange, setting forth the various contingencies in connection therewith, with the specific terms and conditions of said transfer of land to be further negotiated and agreed to in additional agreements; and

**WHEREAS**, the Memorandum of Understanding, in the form attached hereto, has been reviewed and approved by the Township Attorney, along with the attorney for Little Flower Church; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township to enter into the Memorandum of Understanding with Little Flower Church setting forth the terms of the potential land swap, along with setting forth the contingencies for same.

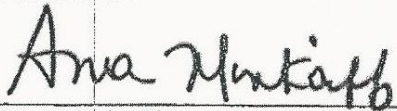
**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Memorandum of Understanding setting forth the terms and conditions of the potential land exchange with Little Flower Church, along with the contingencies in connection with same.
2. If the Township determines to proceed with the land exchange with Little Flower Church, the Township and Little Flower Church shall negotiated and enter into a binding Contract for Sale of Real Property that shall set forth all the terms and conditions of the land exchange. No funds shall be expended or appropriated for this land exchange until such Contract is negotiated, executed and the sale is authorized by appropriate resolution and ordinance.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 8th day of July, 2014.

**ATTEST:**



Ana Minkoff  
Township Clerk