

## RESOLUTION

- WHEREAS, the Township of West Windsor (“Township”) filed a declaratory judgment action, pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”) in July of 2015, captioned I/M/O The Township of West of Windsor, Docket No. MER-L-1561-15 (“Township Declaratory Judgment Action”), in which the Township sought immunity from builders’ remedy lawsuits; and
- WHEREAS, in 2016, Atlantic Realty Corporation (“Atlantic Realty”), as owner of the parcel of land, known as the H&B Site (“H&B Site”), intervened in the Township’s Declaratory Judgment Action; and
- WHEREAS, in the Fall of 2018, the Township entered into settlement discussions with Intervener Fair Share Housing Center (“FSHC”) in the Township Declaratory Judgment Action; and
- WHEREAS, a settlement agreement between the Township and FSHC was ultimately reached in the Township Declaratory Judgment Action, which was subsequently approved by this Council; and
- WHEREAS, on or about July 2, 2019, the presiding Mount Laurel Judge entered a Final Judgment of Compliance and Repose in the Township Declaratory Judgment Action based on the Township – FSHC settlement; and
- WHEREAS, in August of 2019, as developer of lands within the Township referred to as the “H&B Site”, and as intervenor in the Township Declaratory Judgment Action, Atlantic Realty appealed the July 2, 2019 Order of the Superior Court of New Jersey, Appellate Division, captioned I/M/O The Township of West of Windsor, Docket No. A-005412-18 (“the Appeal”); and
- WHEREAS, on September 13, 2019, Howard Hughes Corporation, through its affiliate Princeton Lands, LLC (“PL”), titleholder to approximately 650 acres (the “HHC Site”), filed a prerogative writ action, captioned: Atlantic Realty Development Corporation v. The Mayor and Council of the Township of West Windsor and the Township of West Windsor assigned Docket No. MER-L-1947-18, as titleholder to approximately 650 acres (“the HHC Action”) seeking residential rezoning of the HHC Site ; and
- WHEREAS, Atlantic Realty acquired title to the HHC site on or about October 29, 2019, and through Court Orders, succeeded to the positions of Howard Hughes Corporation and PL in the Appeal and in the HHC Action; and

WHEREAS, Atlantic Realty and the Township have, through respective legal counsel, negotiated terms of settlement agreement providing for the dismissal of the Appeal and the HHC Action regarding the H&B Site and the HHC Site under terms and conditions set forth in a proposed Stipulation of Settlement with Consent Order (“SCO”) resolving both the Appeal and the HHC Action; and

WHEREAS, the Council has: reviewed the SCO, has consulted with its professionals, heard comment by the public and has determined that it would be in the best interests of the Township to approve the SCO and terms of the settlement agreement memorialized therein.

NOW THEREFORE BE IT RESOLVED, on this, the 30th day of November, 2020 by the West Windsor Township Council, that the Township’s counsel is hereby authorized and directed to execute the SCO attached hereto, or in a form substantially equivalent thereto, approved by Township Council, and the Mayor, and the Township Clerk, are hereby authorized to execute on behalf of the Township all documents contemplated within the SCO and to otherwise do all things necessary or convenient to implement the terms of the settlement agreement memorialized therein

ADOPTED: November 30, 2020,

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of November, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township