

RESOLUTION 2011-4
HIGHLANDS DEVELOPMENT CREDIT BANK
AUTHORIZATION TO ACQUIRE HIGHLANDS DEVELOPMENT CREDITS
UNDER THE THIRD ROUND OF ACQUISITION CONSIDERATION

WHEREAS, pursuant to Section 13.i of the Highlands Water Protection and Planning Act (Highlands Act), the Highlands Water Protection and Planning Council (Highlands Council) established the Highlands Development Credit Bank (Bank) by Resolution 2008-24 adopted on June 26, 2008; and

WHEREAS, Resolution 2008-24 establishes the functions of the Bank, including serving as a buyer and seller of Highlands Development Credits (HDCs); and

WHEREAS, pursuant to Resolution 2008-24, the activities of the Bank must be guided by the Highlands Regional Master Plan; and

WHEREAS, Policy 7C6 of the Highlands Regional Master Plan requires that the Bank establish a program for the purchase of HDCs as soon as possible and Policy 7C7 states that the Bank “should seek to provide an opportunity for Sending Zone landowners to sell their HDCs in advance of the establishment of Receiving Zones;” and

WHEREAS, Objective 7C7b of the Highlands Regional Master Plan mandates that the Bank’s HDC purchase program give “priority to landowners who can demonstrate unique and extenuating financial circumstances as a direct result of the Highlands Act;” and

WHEREAS, pursuant to Resolution 2009-05, the Bank has adopted Operating Procedures for the Bank’s activities, including the purchase of HDCs; and

WHEREAS, consistent with the policies established in the RMP and the requirements of the Bank’s Operating Procedures, the Bank instituted an initial HDC Purchase Program pursuant to Resolution 2009-06 to provide landowners who face an extenuating financial circumstance as determined by the Highlands Council with a means of selling their HDCs; and

WHEREAS, pursuant to Resolution 2010-06, the Bank amended its initial HDC Purchase Program to establish two additional priority acquisition categories: a priority category for landowners whose proposed development projects obtained Exemption #3 under the Highlands Act (N.J.S.A. 13-20.28(a)(3)), but which exemption has since expired, and a category for property located within the Special Environmental Zone or High Value Agricultural Priority Area and which property was offered but not accepted into a preservation program administered by a public agency; and

WHEREAS, consistent with the criteria established in Resolution 2010-06, the Bank has reviewed several HDC Certificate Applications where the applicants’ properties have qualified for priority acquisition consideration as determined by the Highlands Council; and

WHEREAS, at its meeting on July 28, 2011, the Bank declined to make an offer on two properties under consideration at that time; and

WHEREAS, in light of additional information obtained, the Bank wishes to reconsider those two properties; and;

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WHEREAS, pursuant to the HDC Bank By-laws, a true copy of the Board's meeting minutes shall be prepared and forthwith delivered to the Highlands Council and no action taken at such meetings by the Board shall have effect until the Highlands Council's period of review has expired and the Governor's period of review for that Council meeting has expired pursuant to the following paragraph; and

WHEREAS, pursuant to the Highlands Act, at N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.


NOW, THEREFORE, BE IT RESOLVED by the Highlands Development Credit Bank that:

1. The Executive Director is authorized to make offers at \$16,000 per HDC to purchase the HDCs allocated by the Highlands Council to the following properties on the basis that the owners satisfied the acquisition priority category criteria established by the Bank:
 - a. Block 15, Lot 11.03, Franklin Township, Warren County; and
 - b. Block 40, Lots 33.01 and 109, Washington Township, Warren County.
2. Where the offer made by the Bank is accepted within the time specified in the offer letter, the Executive Director is authorized to complete the necessary due diligence process for certification of the HDCs allocated to the respective properties, including the recording of the appropriate deed of easement for the property, and to consummate the purchase of the HDCs by the Bank.
3. The Executive Director is authorized to pay up to \$2,500 in closing costs per property for those landowners that qualified for hardship due to extenuating financial circumstances on a reimbursement basis upon the presentation of invoices indicating the closing costs incurred. Closing costs that may be reimbursed include costs for a title search, upper and lower court search, attorney review of the deed of easement, and recording of the deed of easement with the appropriate county clerk.

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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Development Credit Bank at its regular meeting held on the 27th day of October, 2011.


Theodore J. Maglione, Acting Chairman

**Vote on the Approval of
this Resolution**

| | <u>Motion</u> | <u>Second</u> | <u>Yes</u> | <u>No</u> | <u>Abstain</u> | <u>Absent</u> |
|-----------------------|----------------------|----------------------|-------------------|------------------|-----------------------|----------------------|
| Director Davis | | | ✓ | | | |
| Director Holtaway | | ✓ | ✓ | | | |
| Director Klipstein | | | ✓ | | | |
| Director Payne | | | | | ✓ | |
| Director Rilee | ✓ | | ✓ | | | |
| Director Siegel | | | | ✓ | | |
| Director Walton | | | ✓ | | | |
| Acting Chair Maglione | | | ✓ | | | |