

RESOLUTION #2011 - 239

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, DETERMINING THAT THE PROPERTIES IDENTIFIED AS BLOCK 61, LOTS 42.01 AND 42.02 BE DESIGNATED AS AN "AREA IN NEED OF REDEVELOPMENT" IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, Valley Road Development, LLC ("Valley Road") is the record owner of properties identified as Block 61, Lots 42.01 and 42.02 (collectively, the "Property") on the official Tax Map of the Borough of Mount Arlington, Morris County, New Jersey; and

WHEREAS, on May 17, 2011, the Governing Body of the Borough of Mount Arlington ("Borough") adopted Resolution No. 2011-185 authorizing and directing the Land Use Board of the Borough of Mount Arlington ("Board") to conduct a preliminary investigation to determine whether the Property or any portions thereof meet the criteria set forth in the Redevelopment Law and should be designated as an area in need of redevelopment; and

WHEREAS, the Board conducted a preliminary investigation of the Property to determine whether it should be designated an area in need of redevelopment in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its preliminary investigation, the Board caused George A. Ritter, AICP, Mount Arlington Land Use Board's Planner, to prepare a Planning Report for the Board

for its consideration in determining whether the Property should be designated an area in need of redevelopment; and

WHEREAS, in addition to the foregoing, Mr. Ritter prepared a map showing the boundaries of the proposed redevelopment area and locations of the various parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted on September 28, 2011, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3);

WHEREAS, at the public hearing, the Board reviewed the proposed redevelopment plan, the map and Mr. Ritter's report, in addition to hearing testimony from Mr. Ritter, who opined that the Property satisfies three of the conditions set forth in the Redevelopment Law to qualify a property as being an area in need of redevelopment; and

WHEREAS, at the public hearing members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Property as an area in need of redevelopment; and

WHEREAS, the Board entertained, considered and made part of the public record any objections to a possible determination that the Property was an area in need of redevelopment; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board has concluded that there was sufficient evidence to support findings that satisfy the criteria set forth in the Redevelopment Law for designating the Property as a redevelopment area and that said designation is necessary for the effective redevelopment of the area comprising such Property; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by way of a Resolution, the Board recommended to the Governing Body that the Property be considered as an area in need of redevelopment; and

WHEREAS, the Governing Body considered the Board's recommendation at its regularly scheduled public meeting on October 4, 2011, whereupon it took the action herein noted.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, accept the recommendation from the Land Use Board of the Borough of Mount Arlington and find that Block 61, Lots 42.01 and 42.02 on the official tax map of the Borough of Mount Arlington be and are hereby deemed to be areas in need of redevelopment as per the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Mount Arlington transmit a copy of the within Resolution to the Commissioner of the Community Affairs for review.


BE IT FURTHER RESOLVED, that within thirty (30) days of the adoption of the within resolution, Valley Road Development, LLC be and is hereby obligated to post an escrow with the Borough of Mount Arlington in the amount of \$20,000.00 and further authorizes all or a portion of said escrow to be used by the Borough of Mount Arlington to reimburse it for all professional fees and expenses incurred by the Borough in connection with the Borough and the Board's preliminary investigation to determine whether the Property is a redevelopment area. Said escrow shall maintain a minimum balance of \$5,000.00 and may be relied upon by the Borough to pay additional fees and expenses that may be incurred in the preparation of a

redevelopment plan to be adopted by Ordinance, and any and all other future expenses incurred or realized by the Borough in furtherance of the redevelopment of the Property.

BE IT FURTHER RESOLVED, that the Mayor and Council proceed to enact a redevelopment plan forthwith.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Adopted at a regular public meeting for the Borough of Mount Arlington held on October 4, 2011.




Linda DeSantis Borough Clerk

CERTIFICATION

I hereby certify this to be an accurate and true Resolution as approved by the Mayor and Borough Council at a meeting held on October 4, 2011.

DATED: 10/5/11



Linda DeSantis Borough Clerk