

**RESOLUTION # 2014 - 147**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING EXECUTION OF THE DEVELOPER'S AGREEMENT WITH QUICKCHEK CORPORATION FOR THE PROPERTY LOCATED AT 7-9 HOWARD BOULEVARD DESIGNATED AS BLOCK 61, LOT 39.01**

**WHEREAS**, a Resolution was approved on July 23, 2014 and memorialized on August 27, 2014 by the Borough of Mount Arlington Land Use Board, which Resolution, including all conditions set forth therein, are incorporated by reference within this Agreement as if same were set forth at length herein, for the property located at 7-9 Howard Boulevard, designated as Block 61, Lot 39.01 on the official tax map of the Borough of Mount Arlington, County of Morris, State of New Jersey, granting preliminary and final site plan approval with bulk variance relief and design waivers to allow for the construction of a QuickChek food store with fuel sales; and

**WHEREAS**, QuickChek Corporation, having its principal place of business at 3 Old Highway 28, P.O. Box 600, Whitehouse Station, New Jersey 08889; and having the business location at 7-9 Howard Boulevard in the Borough of Mount Arlington, County of Morris and State of New Jersey 07856, is the tenant and the developer of the property located at 7-9 Howard Boulevard, designated as Block 61, Lot 39.01, in accordance with the approvals set forth in the Resolution approved on July 23, 2014 and memorialized on August 27, 2014 by the Borough of Mount Arlington Land Use Board, and with the Borough of Mount Arlington Land Use and Zoning Ordinance, is obligated to enter into a Developer's Agreement with the Borough and submit Performance Guarantees for its completion of certain improvements; and

**WHEREAS**, Harvey Knight and Mount Arlington 9 Howard, LLC, an individual and limited liability company of the State of New Jersey, is the owner and landlord of certain real property located at 7-9 Howard Boulevard, designated as Block 61, Lot 39.01 on the official tax map of the Borough of Mount Arlington, County of Morris, State of New Jersey, consents to the Development; and


**WHEREAS**, the Borough Attorney and the Borough Engineer have reviewed and approved the Developer's Agreement, a copy of which is incorporated by reference as if same were set forth at length herein; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Mount Arlington reviewed the Developer's Agreement and recommends that the Developer's Agreement be executed and the Performance Guarantees escrows and Insurance requirements be submitted to the Borough within thirty (30) days of the adoption of this Resolution.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF MOUNT ARLINGTON THAT** the Developer's Agreement between QuickChek Corporation, the owner and the developer and the Borough of Mount Arlington is approved and the Mayor and Borough Administrator are authorized to execute same.

**BE IT FURTHER RESOLVED,** that the Developer's Agreement shall be filed in the Morris County Clerk's Office at the owner and developer's expense within seven (7) days of receipt of this signed Agreement; and is available for inspection in the Borough of Mount Arlington Clerk's office. The owner and developer agree that a copy of the recorded document will be provided to the Borough of Mount Arlington Clerk upon receipt.

This is to certify that the above is a true and correct copy of a resolution adopted by the Borough of Mount Arlington at a meeting held on December 16, 2014.

  
Linda DeSantis, R.M.C.  
Borough Clerk