

## RESOLUTION 2022 - 130

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE LAND USE BOARD TO INVESTIGATE WHETHER THE PROPERTY IDENTIFIED ON THE TAX MAPS OF THE BOROUGH AS BLOCK 30, LOT 3 (386 HOWARD BOULEVARD) CONSTITUTES A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO 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 a municipality to determine whether certain parcels of land in the municipality constitute an “area in need of redevelopment”; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal council (the “**Borough Council**”) of the Borough of Mount Arlington (the “**Borough**”) must authorize the Borough Land Use Board (the “**Land Use Board**”) to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough that an investigation occur with respect to certain parcels within the Borough and therefore authorizes and directs the Land Use Board to conduct an investigation of Block 30, Lot 3 (386 Howard Boulevard), along with all streets and rights of way appurtenant thereto (collectively, the “**Study Area**”) to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the power of eminent domain (hereinafter referred to as a “**Non-condemnation Redevelopment Area**”); and

**WHEREAS**, the Borough Council therefore authorizes and directs the Land Use Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Borough Council, all in accordance with the Redevelopment Law,

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Mount Arlington, New Jersey as follows:

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.

2. **Investigation of Study Area Authorized.** The Land Use Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine

whether all or a portion of the Study Area satisfies the criteria set forth in the Redevelopment Law, including N.J.S.A. 40A:12A-5, to be designated as a Non-condemnation Redevelopment Area.

3. **Map to be Prepared.** As part of its investigation, the Land Use Board shall prepare a map showing the boundary of the Study Area.

4. **Public Hearing Required.** The Land Use Board shall conduct a public hearing, after giving due notice of the proposed boundary of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is a Non-condemnation Redevelopment Area.


5. **Land Use Board to Make Recommendations.** After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing, the Land Use Board shall make a recommendation to the Borough Council as to whether the Borough should designate all or a portion of the Study Area as a Non-condemnation Redevelopment Area.

6. **Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

7. **Availability of the Resolution.** A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

8. **Effective Date.** This Resolution shall take effect immediately.

**I HEREBY CERTIFY** this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, and adopted on October 4, 2022.

A handwritten signature in black ink, appearing to read 'M. N. Bansch', written over a horizontal line.

Matthew N. Bansch, Borough Clerk