

Res 2025-136

**A RESOLUTION OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE TRANSFER OF THE REDEVELOPMENT AGREEMENT BETWEEN THE BOROUGH OF MOUNT ARLINGTON AND THE ORCHARDS AT MT. ARLINGTON URBAN RENEWAL, LLC TO MT. ARLINGTON TOWN CENTER URBAN RENEWAL LLC**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated by the municipality as in need of rehabilitation and/or in need of redevelopment; and

**WHEREAS**, on July 9, 2020, by Resolution #2020-109, the Borough Council of the Borough of Mount Arlington (the "**Borough Council**") in accordance with provisions of the Redevelopment Law and based upon the report and recommendation of the Mount Arlington Planning Board (the "**Planning Board**"), designated certain property identified on the official tax maps of the Borough as Block 61.02, Lots 23.08 and 23.02 (the "**Redevelopment Area**") as an "area in need of redevelopment" under the Redevelopment Law; and

**WHEREAS**, the Borough Council designated the Borough of Mount Arlington (the "**Borough**") as the redevelopment entity responsible for implementing and carrying out redevelopment plans pursuant to the Redevelopment Law; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-7*, on March 2, 2021, by Ordinance No. 02-2021, in accordance with the applicable provisions and requirements of the Redevelopment Law and based upon the report and recommendation of the Planning Board, the Borough Council adopted an ordinance approving and enacting the "111 & 181 Howard Boulevard Redevelopment Plan" (as may be amended and supplemented from time to time, the "**Redevelopment Plan**") for the Redevelopment Area; and

**WHEREAS**, on July 6, 2021, the Borough and The Orchards at Mt. Arlington Urban Renewal, LLC (the "**Entity**") entered into a Redevelopment Agreement (as amended by the First Amendment to Redevelopment Agreement dated as of June 1, 2023, the "**Redevelopment Agreement**") for the Property in order to implement the development, design, financing, and construction of a mixed-use project to be renamed "Station Square" with the addition of two new luxury apartment buildings to replace a portion of the existing shopping center and former freestanding bank building, an upgrade of the remaining shopping center façade, and the expansion of the onsite parking to support the project along with landscaping, signage and other enhancements, all as fully detailed in the Redevelopment Agreement (the "**Project**"); and

**WHEREAS**, pursuant to Section 8.4 of the Redevelopment Agreement, the Entity is not permitted to transfer the Project or Redevelopment Agreement without the prior written consent of the Borough, which consent is not to be unreasonably withheld, conditioned or delayed; and

**WHEREAS**, the Entity and Sempre Property Group, LLC d/b/a CRG Custom Homes, LLC (the “**Transferee Owner**”) have requested that the Borough consent to the transfer of the Redevelopment Agreement from the Entity to Mt. Arlington Town Center Urban Renewal LLC (the “**Transferee Entity**”), an affiliate of the Transferee Owner, with the Transferee Entity accepting all rights and obligations of the Entity pursuant to the Redevelopment Agreement; and

**WHEREAS**, the Transferee Entity has provided the Borough with the information and documentation requested by the Borough pertaining to the Transferee Entity’s identity, principals, qualifications, reputation and financial condition, and Transferee Entity shall expressly assume all of the obligations of Redeveloper under the Redevelopment Agreement and shall agree to be subject to all the conditions and restrictions to which Redeveloper is subject under the Redevelopment Agreement; and

**WHEREAS**, the Borough has determined that the Transferee Entity possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances and regulations and therefor wishes to consent to the transfer of the Project and the Redevelopment Agreement from the Entity to the Transferee Entity.

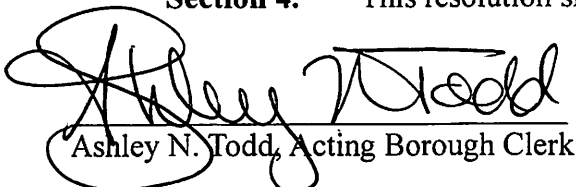
**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mount Arlington, County of Morris, State of New Jersey as follows:

**Section 1.** The Recitals are incorporated by reference as if set forth in full.

**Section 2.** The Borough Council hereby consents to the transfer of the Redevelopment Agreement from the Entity to the Transferee Entity. Such approval is conditioned upon the successful formation of Transferee Entity as a qualified urban renewal entity under applicable law.

**Section 3.** The Mayor, in consultation with counsel to the Borough, is hereby authorized to: (a) execute all documents required to effectuate the transfer contemplated and approved by this resolution, including but not limited to an assignment and assumption agreement between the Borough and the Transferee Entity in the form approved by counsel to the Borough; and (b) prepare, amend or execute any other agreements or documents necessary to effectuate the transfer contemplated and approved by this resolution, subject to modification or revisions, as deemed necessary and appropriate in consultation with Borough professionals and counsel.

**Section 4.** This resolution shall take effect immediately.

  
Ashley N. Todd, Acting Borough Clerk