



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 24-182

**AUTHORIZING AND DIRECTING THE BOROUGH LAND USE BOARD TO INVESTIGATE WHETHER THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH AS BLOCK 84, LOT 2.01 CONSTITUTES A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Borough Council adopted Resolution No. 24-168, at its meeting of October 2, 2024, and subsequent to the adoption of the Resolution the Borough was advised of a procedural issue resulting in the need to rescind and readopt this Resolution; and

**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 in need of redevelopment; and

**WHEREAS**, pursuant to the Redevelopment Law, by way of Resolution No. 16-228 adopted on December 7, 2016, the municipal council of the Borough (the "**Borough Council**") of Highlands, in the County of Monmouth, New Jersey (the "**Borough**") authorized and directed the Land Use Board of the Borough (the "**Land Use Board**") to conduct a preliminary investigation of the property identified as Block 84, Lot 2.01 on the Borough's tax maps, commonly known as Captain's Cove Marina (the "**Property**") to determine whether the Property met the criteria for a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law; and

**WHEREAS**, by way of Resolution No. 18-070 adopted on March 21, 2018, the Mayor of the Borough and Borough Council determined and declared that the Property be designated a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law; and

**WHEREAS**, the Mayor and Borough Council now desire to authorize and direct the Borough's planning consultant (the "**Planning Consultant**"), to determine whether the Property, along with all riparian rights and streets and rights of way appurtenant thereto, as set forth in **Exhibit A** attached hereto, (collectively, the "**Study Area**") meets the criteria set forth in the Redevelopment Law for designation as a Condemnation area in need of redevelopment (the "**Study**") and to submit a report to Land Use Board detailing its findings (the "**Report**"); and

**WHEREAS**, the Borough Council desire to refer to the Land Use Board, upon completion, the Report for review in accordance with the Redevelopment Law; 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, including the power of eminent domain (hereinafter referred to as a “**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**, that the Borough Council of the Borough of Highlands hereby rescinds Resolution 24-168.

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Highlands, in the County of Monmouth, 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 and Planning Consultant are hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether 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 Condemnation Redevelopment Area and to submit the Report to the Land Use Board with respect thereto.

3. **Map to be Prepared.** As part of this investigation, the Planning Consultant 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 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 at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Borough Council as to whether the Borough should designate the Study Area as a Condemnation Redevelopment Area.

6. **Preparation of a Redevelopment Plan.** In the event the Land Use Board determines to recommend that the Borough Council designate the Study Area as a Condemnation Redevelopment Area, the Land Use Board is hereby authorized and directed to prepare a redevelopment plan for the Study Area without need of further action by the Borough Council.

7. **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.

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

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

Motion to Approve R 24-182:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 16, 2024

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Nancy Tran, Municipal Clerk  
Borough of Highlands