ORDINANCE 2016-10

ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING THE SEAPORT REDEVELOPMENT PLAN TO INCLUDE BLOCK 106, LOTS 1-3, 5-6, 10.01, 10.02 AND 11; BLOCK 116, LOTS 1-2; BLOCK 117, LOTS 1-4, 6-9, AND 12-15; BLOCK 67, LOT 4.01; BLOCK 86, LOTS 1-7; BLOCK 86.01, LOT 1; BLOCK 87, LOTS 1-3; AND BLOCK 96, LOTS 1 AND 3-9

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the "**Borough**"), a public body corporate and politic of the State of New Jersey (the "**State**"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, the Borough Council of the Borough (the "**Borough Council**") adopted ordinances which designated the area known as Parcels 1 thru 6, 6B, 7 thru 9, and 11 thru 19 (the "**Redevelopment Area**") as an area in need of redevelopment pursuant to Section 5 of the Redevelopment Law; and

WHEREAS, the Borough Council adopted an ordinance which designated the area known as Parcel 20 (the "**Rehabilitation Area**", and collectively with the Redevelopment Area the "**Seaport Redevelopment Area**") as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law; and

WHEREAS, on August 13, 2003, the Borough Council adopted ordinance #2003-18, which designated the "Seaport Redevelopment Plan" prepared by Schoor DePalma, Inc. dated June 3, 2003 (the "**Original Redevelopment Plan**") as the redevelopment plan for the Seaport Redevelopment Area; and

WHEREAS, the Borough Council adopted the "Redevelopment Plan Update" prepared by Maser Consulting, P.A. dated April 15, 2011 as the amended redevelopment plan and on March 7, 2012 the Borough Council adopted ordinance #2012-02 which approved and adopted further amendments to the Original Redevelopment Plan (collectively, the "**Amended Redevelopment Plan**"); and

WHEREAS, on July 20, 2016, the Borough Council adopted a resolution designating the property commonly known as Block 106, Lots 1-3, 5-6, 10.01, 10.02 and 11; Block 116, Lots 1-2; Block 117, Lots 1-4, 6-9, and 12-15; Block 67, Lot 4.01; Block 86, Lots 1-7; Block 86.01, Lot 1; Block 87, Lots 1-3; and Block 96, Lots 1 and 3-9 on the tax map of the Borough of Belmar as an area in need of redevelopment without the power of condemnation, which area shall be included with the Seaport Redevelopment Area (the "**Expanded Seaport Redevelopment Area**"); and

WHEREAS, the Borough Council desires to further amend the Amended Redevelopment Plan to include the Expanded Seaport Redevelopment Area pursuant to the revisions described in the "Redevelopment Area Preliminary Investigation Report, Seaport Redevelopment Area Expansion" prepared by Maser Consulting, P.A. and dated June 28, 2016 (the "**Amended and Restated Redevelopment Plan**"); and

WHEREAS, the planning board of the Borough (the "**Planning Board**") must review the Amended and Restated Redevelopment Plan and transmit its recommendations relating to the Amended and Restated Redevelopment Plan to the Borough in accordance with the provisions of *N.J.S.A.* 40A:12A-7 of the Redevelopment Law; and

WHEREAS, subject to receipt of the Planning Board's recommendations relating to the Amended and Restated Redevelopment Plan, the Borough believes that the adoption of the Amended and Restated Redevelopment Plan is in the best interests of the Borough and the development of the Expanded Seaport Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF BELMAR AS FOLLOWS:

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

Section 2. The Council hereby refers the Amended and Restated Redevelopment Plan to the Planning Board for its review and recommendation pursuant to *N.J.S.A.* 40A:12A-7.

Section 3. Contingent upon the receipt of the Planning Board's recommendations, the Borough Council hereby adopts the Amended and Restated Redevelopment Plan pursuant to the terms of *N.J.S.A.* 40A:12A-7 of the Redevelopment Law.

Section 4. The zoning ordinances of the Borough are hereby amended to include the amendments indicated in the Amended and Restated Redevelopment Plan and the provisions therein.

Section 5. The Mayor and Council of the Borough of Belmar shall serve as Redevelopment Entity for purposes of implementing the Amended and Restated Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

Section 6. In case any one or more of the provisions of this Ordinance or the Amended and Restated Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Amended and Restated Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 7. This Ordinance shall take effect upon final adoption and publication thereof according to law.

I, April Claudio, Borough Clerk of the Borough of Belmar, Monmouth County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the Ordinance which was introduced by the Borough Council at a meeting held on the ____ day of _____ , 2016 and finally adopted by the Borough Council at a meeting held on the _____ of _____, 2016.

_____
April Claudio
Municipal Clerk