



**2016
BOROUGH OF DUMONT
RESOLUTION**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA				
DI PAOLO				
HAYES				
MORRELL				
RIQUELME				
ZAMECHANSKY				
MAYOR KELLY				
TOTALS				

Resolution No. 68
Date: March 8, 2016
Page: 1 of 2
Subject: Landmark v Dumont
Purpose: Settlement of Litigation
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

**Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey**

**RESOLUTION OF THE BOROUGH OF DUMONT, IN THE COUNTY OF BERGEN
AND STATE OF NEW JERSEY AUTHORIZING SETTLEMENT OF LITIGATION
ENTITLED LANDMARK DUMONT, LLC V. BOROUGH OF DUMONT, ET ALS.,
DOCKET NO. BER-L-1297-14**

WHEREAS, on February 4, 2014, a lawsuit was filed entitled Landmark Dumont, LLC v. Borough of Dumont, Mayor and Council of the Borough of Dumont; and the Planning Board of the Borough of Dumont, (collectively 'the Parties') bearing Docket number BER-L-1297-14 (hereinafter the 'Litigation'); and

WHEREAS, the Litigation seeks, among other things, declaration of a site-specific

builder's remedy related to property commonly known as the D'Angelo Farm property, rezoning of the said property for high density housing of 40 units to the acre, including a set aside for low and moderate income residential units, a declaration that the Borough of Dumont's zoning ordinances are unconstitutional, appointment of a special master to revise and implement a new zoning code and land use ordinances for the Borough of Dumont, an order directing that inclusionary development applications be reviewed and improved in an expedited fashion under court supervision, waiving all application, permit and escrow fees in connection with said applications and for a tax abatement for all such developments; and

WHEREAS, the Parties have engaged in a lengthy and detailed negotiation over the issues related to the Litigation and have agreed that the certainty and predictability of an amicable resolution is preferable to the cost and risk of continued litigation; and

WHEREAS, the Mayor and Council now seek to enter into a settlement agreement to conclude the Litigation and to seek a Judgment of Compliance with its First and Second Round Mount Laurel Affordable Housing obligations and further immunity from additional builder's remedy suits pending consideration of Third Round obligations and plans, subject to court approval and negotiation of final details; and

WHEREAS, neither party admits any wrongdoing or liability in connection with the Litigation but seeks to resolve same on terms and conditions mutually acceptable to the parties.

BE IT RESOLVED by the Borough Council of the Borough of Dumont, that it endorses and ratifies the settlement of the above captioned Litigation, more particularly described in the Settlement Agreement annexed hereto and incorporated herein by reference, and authorizes the Mayor, Borough Attorney and Borough Clerk to execute and deliver the said Settlement Agreement and to apply to the Superior Court of New Jersey, Law Division-Bergen County for a fairness hearing in the usual course of business to enter an Order approving the Settlement; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be served upon the Service List in the consolidated litigation and any other interested parties upon execution and certification hereof.

James J. Kelly, Mayor