

# **Bond Case Briefs**

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## **EMINENT DOMAIN - NEW JERSEY**

### **62-64 Main Street, L.L.C. v. Mayor and Council of City of Hackensack**

**Supreme Court of New Jersey - March 23, 2015 - A.3d - 2015 WL 1280829**

Property owners filed action in lieu of prerogative writs, challenging city's classification of their lots as blighted within meaning of the Local Redevelopment and Housing Law. The Superior Court affirmed. Property owners appealed. The Superior Court, Appellate Division, reversed. City sought review.

The Supreme Court of New Jersey held that:

- Definitions of blight in Local Redevelopment and Housing Law comply with standards set by the state constitutional Blighted Areas Clause, and
- Substantial evidence supported city's blight determinations.

The state constitutional Blighted Areas Clause, granting municipal and public entities the authority to redevelop decaying neighborhoods, must coexist with individual rights enshrined in the state constitution, such as rights protected by the Eminent Domain Clause, which ensures that property will not be taken without just compensation. Redevelopment may not occur at the expense of individual rights of landowners.

Substantial evidence supported municipal planning board's blight determination under Local Redevelopment and Housing Law, with respect to lot that had been part of a former automobile repair business and had been converted into a parking lot. Although owners sought to redevelop the property and the lot, standing alone, might not have met the definition of blight, expert testified that the lot could only be redeveloped in conjunction with neighboring lots containing vacant and dilapidated buildings, parking lot had no markings and no landscaping, and pavement was in disrepair and encroached onto sidewalk, creating a public-safety hazard.