

RESOLUTION

A Resolution Supplementing the Study Area Referred to the Planning Board for Determination as to Whether the Study Area Qualifies for Designation as an Area in Need of Redevelopment Pursuant to N.J.S.A. 40A:12A-1 et. seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Township making a determination as to whether a particular area qualifies as an area in need of redevelopment, the Township Council must authorize the Planning Board for the Township of West Orange, by resolution, to undertake a preliminary investigation to determine whether a particular area meets the criteria of an area in need of redevelopment set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, on May 3, 2016, the Township Council for the Township of West Orange pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* passed resolution 120-16, annexed hereto as Exhibit “**A**,” which authorized the Planning Board for the Township of West Orange to explore whether the real properties located between Central Avenue and Mitchell Street and more commonly known as Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 on the Township of West Orange Tax Map, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “Study Area”) may be an appropriate area for consideration for the program of redevelopment; and

WHEREAS, a vacant lot located at Block 7, Lot 22 on the Township of West Orange Tax Map (“4 Tompkins Street”), on the corner of Mitchell Street and Tompkins Street is adjacent to the Study Area and is also currently the subject of an In Rem Tax Foreclosure currently pending

in the Superior Court of New Jersey wherein the Township is seeking title to 4 Tompkins Street; and

WHEREAS, the Township of West Orange (the “Township”) desires to expand the Study Area to also include 4 Tompkins Street; and

WHEREAS, the Township Council wishes to direct the Township of West Orange Planning Board to add 4 Tompkins Street to its Study Area as part of its preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5* and in accordance with the investigation and hearing process set forth at *N.J.S.A. 40A:12A-6*

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby directs the West Orange Township Planning Board to add 4 Tompkins Street to the Study Area as part of the necessary investigation to be conducted and to hold a public hearing to determine whether the entire Study Area defined, to now also include 4 Tompkins Street, qualifies for designation as an area in need of redevelopment under the criteria and pursuant to the public hearing process set forth in *N.J.S.A. 40A:12A-1, et seq.*; and

BE IT FURTHER RESOLVED that the redevelopment area determination shall further authorize the municipality to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as “Condemnation Redevelopment Area”).

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supportive documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township Clerk, Chief Financial Officer and Township Planning Board and Planning Board Secretary.

RESOLVED, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

**Karen J. Carnevale, R.M.C.,
Municipal Clerk**

**Victor Cirilo
Council President**

Adopted: June 14, 2016

4819-2968-8882, v. 1