

RESOLUTION

A Resolution Determining that the Properties Identified as Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 Be Designated as An Area In Need of Redevelopment in Accordance with the Local Redevelopment and Housing Law, 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. (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitutes a condemnation area in need of redevelopment; and

WHEREAS, on May 3, 2016, the Township Council for the Township of West Orange (the “Council”) adopted Resolution 120-16 authorizing the Planning Board for the Township of West Orange (the “Planning Board”) to conduct a preliminary investigation to determine whether certain properties, identified 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”) meet the criteria set forth as an appropriate condemnation area for consideration for the program of redevelopment; and

WHEREAS, the designation as a condemnation area did not, nor does not, reflect a decision to implement condemnation proceedings, but to reserve the right to utilize condemnation should the need arise; and

WHEREAS, on June 14, 2016, the Council adopted Resolution 138-16 to supplement the Study Area to add the property identified as Block 7, Lot 22 on the Township of West Orange Tax Map; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Condemnation Area In Need of Redevelopment in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, as part of the preliminary investigation, Matrix New World (“Matrix”) 26 Columbia Turnpike, Florham Park, New Jersey prepared an Area in Need of Redevelopment Study (the “Redevelopment Study”) and presented the Redevelopment Study to the Planning Board for its consideration in determining whether the Study Area should be designated as an Area in Need of Redevelopment; and

WHEREAS, in addition to the foregoing, Matrix prepared a map showing the boundaries of the Study Area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Planning Board on September 7, 2016, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Condemnation Area in Need of Redevelopment and said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, the Planning Board further concluded that there was sufficient credible evidence to support the finding that the designation of the Study Area as a Condemnation Area in Need of Redevelopment would authorize the municipality, if necessary, to exercise the power of eminent domain to acquire any property in the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution 16-03, dated October 5, 2016, annexed hereto as Exhibit “**A**,” the Planning Board recommended to the Council that Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 be designated as a Condemnation Area in Need of Redevelopment; and

WHEREAS, the Council considered the Planning Board's recommendation at its regularly scheduled public meeting on October 26, 2016 and held a public hearing with public comment; and

WHEREAS, on May 3, 2016, the Council adopted Resolution 121-16 which authorized the retention of Matrix to prepare a Redevelopment Plan as part of its appointment as the Licensed Site Remediation Professional ("LSRP") to assist the Township in its efforts regarding the investigation and cleanup of the an area which includes the Study Area; and

WHEREAS, in order to effectuate the Counsel's designation of the Study Area as a Condemnation Area in Need of Redevelopment, the preparation of a Redevelopment Plan and presentation to the Planning Board and Counsel is required.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby accepts the recommendation from the Planning Board of the Township of West Orange and finds that Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 as shown on the official tax map of the Township of West Orange be and are hereby deemed to be a Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of Block 9, Lots 11.01, 11.02, 11.03, 32, and 36 and Block 7, Lot 22 as a Condemnation Redevelopment Area shall authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area in the event it is determined that such acquisition is necessary; and

BE IT FURTHER RESOLVED, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of West Orange shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of West Orange shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Condemnation Redevelopment Area, those whose names are listed on the Tax Assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commissioner of the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that Matrix, having been previously retained by the Township, is authorized and directed to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Township Council; and

BE IT FURTHER RESOLVED, that the Planning Board shall transmit a report containing its recommendation concerning the Redevelopment Plan to the Township Council. The Planning Board Report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate; and

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; and

BE IT FURTHER 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.
Township Clerk

Victor Cirilo
Council President

Adopted: October 26, 2016

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