

RESOLUTION

An Amended Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether a Portion of Block 68, Lot 1 Qualifies for Designation as a Non-Condemnation 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, on November 27, 2018, the Township Council adopted Resolution 266-18 which authorized the Township of West Orange Planning Board to undertaking a preliminary investigation as to whether the entire property at Block 68, Lot 1 meets the criteria of an area in need of redevelopment (the “Original Resolution”); and

WHEREAS, the Original Resolution included the entire property on Block 68, Lot 1 which includes the West Orange Police Department headquarters and other property that was not intended to be included in the Study Area; and

WHEREAS, the section of Block 68, Lot 1 highlighted on the map annexed hereto as Exhibit “A” is specifically designated for inclusion in the study area; and

WHEREAS, the Township of West Orange (the “Township”) desires to explore whether the real property located at 46 Mt. Pleasant Avenue, West Orange, New Jersey depicted in Exhibit “A,” which is part of the property more commonly known as Block 68, Lot 1 on the Township of West Orange Tax Map, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “Amended Study Area”) may be an appropriate area for consideration for redevelopment; and

WHEREAS, the Township seeks to amend and replace Resolution 266-18 to specify the Study Area as depicted in the highlighted section of the map annexed hereto as Exhibit “A;”

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 the Study Area qualifies as an area in need of redevelopment, the Township Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the Study Area meets the criteria of an area in need of redevelopment set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Township Council wishes to direct the Township of West Orange Planning Board to undertake such 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*; and

WHEREAS, the Township Council hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area"); and

WHEREAS, the notice of any hearing to be conducted by the Township of West Orange Planning Board with regards to this Resolution shall specifically state that a Non-Condensation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby directs the West Orange Township Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area defined hereinabove 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.

BE IT FURTHER RESOLVED that the Township Council hereby states that any Non-
Condemnation Redevelopment Area determination shall authorize the municipality to use all
those powers provided by the Local Redevelopment and Housing Law for use in a
redevelopment area, except the use of eminent domain.

BE IT FURTHER RESOLVED that the notice of any hearing to be conducted by the
Township of West Orange Planning Board with regards to this Resolution shall specifically state
that a Non-Condemnation Redevelopment Area determination shall not authorize the
municipality to exercise the power of eminent domain to acquire any property in the Study 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 if the Township Council designates the Study Area
as an area in need of redevelopment it hereby authorizes the Planning Board to prepare a
redevelopment plan which shall be subject to the review and approval of the Township Council

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

Jerry Guarino
Council President

Adopted: January 8, 2019