

RESOLUTION

A Resolution Requesting Planning Board Review of a Resolution Designating Certain Property in the Township as an Area in Need of Rehabilitation and Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether Certain Properties within Blocks 116 and 116.01 Qualify for Designation as a Condemnation Area in Need of Redevelopment

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 in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, the Township of West Orange (the “Township”) has determined that the following property should be considered for designation as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14a: the real property located at Block 116, Lots 44, 47, 48, 50, 51, 53, 53.01, and 55, and Block 116.01, Lots 81.03, 86, 87, 88, 89, 91, 93, 95, 96, 97, 98, 99, 100, 101 and 101.01 on the Township of West Orange Tax Map as further described in the attached Exhibit A, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “Study Area”); and

WHEREAS, Leonard R. Lepore, P.E., the engineer for the Township, submitted a report, a copy of which is attached hereto as Exhibit B (the “Rehabilitation Report”), stating that the Study Area meets the criteria set forth in subsections (2) and (6) of Section 14 of the Redevelopment Law, N.J.S.A. 40A:12A-14(a), as: (i) more than half the housing stock in the delineated area is at least 50 years old, and (ii) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the Township in accordance with the requirements of Section 14 of the Redevelopment Law, N.J.S.A. 40A:12A-14(a); and

WHEREAS, N.J.S.A. 40A:12A-14(a), provides that prior to the adoption of a resolution designating the Study Area as an area in need of rehabilitation, the Township must first submit a

copy of the proposed resolution designating the Study Area to the Township of West Orange Planning Board (the "Planning Board") for its review and recommendations; and

WHEREAS, based on the findings of the Rehabilitation Report, the Township intends to designate the Study Area as an area in need of rehabilitation under the Redevelopment Law by the adoption of the resolution substantially in the form attached hereto as Exhibit C; and

WHEREAS, the Township desires to also explore whether the Study Area may be an appropriate area for consideration for redevelopment; and

WHEREAS, the Redevelopment Law sets forth specific procedures 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 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 Redevelopment Law for use in a redevelopment area, including the use of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

WHEREAS, the notice of any hearing to be conducted by the Planning Board with regards to this resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire property in the Study Area.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby directs that the Township Clerk transmit a copy of this resolution, inclusive of Exhibit A, Exhibit B and Exhibit C, to the Township Planning Board for its review and recommendations regarding the area in need of rehabilitation designation to the Township Council within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, N.J.S.A. 40A:12A-14a; and

BE IT FURTHER RESOLVED that the Township Council hereby directs the 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 a condemnation 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 Township Council hereby states that any Condemnation Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the use of eminent domain; and

BE IT FURTHER RESOLVED that the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire property in the Study Area; and

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution and map showing the boundary of the proposed redevelopment area, along with supportive documentation; and

BE IT FURTHER RESOLVED that if the Township Council designates the Study Area as an area in need of rehabilitation or 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; and

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

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

Jerry Guarino
Council President

Adopted: May 14, 2019

Exhibit A

The Study Area consists of the following properties identified by block and lot and address in accordance with the City Tax Records and as shown on the attached tax map, along with the adjacent streets, "paper" streets, private drives and right of ways.

Block 116, Lot 44	239-245 Main Street
Block 116, Lot 47	247 Main Street
Block 116, Lot 48	249 Main Street
Block 116, Lot 50	251 Main Street
Block 116, Lot 51	253-255 Main Street
Block 116, Lot 53	259 Main Street
Block 116, Lot 53.01	257 Main Street
Block 116, Lot 55	Kling Street
Block 116.01, Lot 81.03	Kling Street
Block 116.01, Lot 86	261 Main Street
Block 116.01, Lot 87	263 Main Street
Block 116.01, Lot 88	265-267 Main Street
Block 116.01, Lot 89	269-271 Main Street
Block 116.01, Lot 91	273 Main Street
Block 116.01, Lot 93	955 Main Street
Block 116.01, Lot 95	277 Main Street
Block 116.01, Lot 96	279-281 Main Street
Block 116.01, Lot 97	283 Main Street
Block 116.01, Lot 98	285 Main Street
Block 116.01, Lot 99	92 Washington Street
Block 116.01, Lot 100	88 Washington Street
Block 116.01, Lot 101	86 Washington Street

Block 116.01, Lot 101.01

84 Washington Street

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TAX MAP
TOWNSHIP OF WEST ORANGE
DATE: 1-1-18
BY: J. J. ...
CHARLES A. ATKINSON
TOWNSHIP CLERK
WEST ORANGE, NJ
TOWNSHIP OF WEST ORANGE

ANY UNLAWFUL COPIES OF THIS MAP WILL BE DELETED FROM THE RECORDS OF THE TOWNSHIP OF WEST ORANGE AND THE COUNTY OF MIDDLESEX, NEW JERSEY.
DATE: 1-1-18
BY: J. J. ...

SHEET #5
TOWNSHIP OF WEST ORANGE, NEW JERSEY
DATE: 1-1-18

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Exhibit B
The Rehabilitation Report

Exhibit C

RESOLUTION

Designating Certain Property In The Township As An Area In Need Of Rehabilitation

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 in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, the Township of West Orange (the “**Township**”) has determined that the following property should be considered for designation as an area in need of rehabilitation pursuant to *N.J.S.A. 40A:12A-14a*: the real property located at Block 116, Lots 44, 47, 48, 50, 51, 53, 53.01, and 55, and Block 116.01, Lots 81.03, 86, 87, 88, 89, 91, 93, 95, 96, 97, 98, 99, 100, 101 and 101.01 on the Township of West Orange Tax Map as further described in the attached Exhibit A, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “**Study Area**”); and

WHEREAS, Leonard R. Lepore, P.E., the engineer for the Township, submitted a report, a copy of which is attached hereto as Exhibit B (the “**Rehabilitation Report**”), stating that the Study Area meets the criteria set forth in subsections (2) and (6) of Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*, as: (i) more than half the housing stock in the delineated area is at least 50 years old, and (ii) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the Township in accordance with the requirements of Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, *N.J.S.A. 40A:12A-14(a)*, provides that prior to the adoption of a resolution designating the Study Area as an area in need of rehabilitation, the Township must first submit a copy of the proposed resolution designating the Study Area to the Township Planning Board for its review and recommendations; and

WHEREAS, on April 30, 2019, the Township, acting by resolution, referred a copy of the Rehabilitation Report and this resolution to the Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, based on the Rehabilitation Report, the Planning Board found that the Study Area satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, on [_____], the Planning Board, acting by resolution, reviewed this resolution and recommends its adoption and the designation of the Property as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Orange as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township Council hereby designates the Study Area as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, N.J.S.A. 40A:12A-14(a).

Section 3. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.

Section 4. This resolution shall take effect immediately.