

**RESOLUTION**

*A Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether Block 155, Lots 40.02, 41.02, and 42.02 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.* (“LRHL”), provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Township of West Orange (the “Township”) desires to explore whether the real properties located on Executive Drive and Rooney Circle and more commonly known as Block 155, Lots 40.02 (100 Executive Drive), 41.02 (10 Rooney Circle), and 42.02 (200 Executive Drive) 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 redevelopment; and

**WHEREAS**, the LRHL 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 Township Planning Board (“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 LRHL 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 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 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 Township Council hereby states that any Non-Condensation Redevelopment Area determination shall authorize the municipality to use all those powers provided by the LRHL 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 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.

**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 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.

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

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**Michelle Casalino**  
**Council President**

**Adopted: September 22, 2020**