



Legislation Details (With Text)

File #: 20-0719 **Version:** 1 **Name:** 192 Doremus Ave De-designation Resolution

Type: Resolution **Status:** Adopted

File created: 6/17/2020 **In control:** Economic and Housing Development

On agenda: 12/29/2020 **Final action:** 12/29/2020

Title: Dept./ Agency: Economic and Housing Development
 Action: () Ratifying () Authorizing (X) Amending
 Type of Service: Declaring an Area in Need of Redevelopment
 Purpose: To amend the Designation of the Area in Need of Redevelopment to delete Property or Properties.
 List of Property/Properties to be Deleted:
 (Address/Block/Lot/Ward)
 192 Doremus Avenue/Block 5014.01/Lot 1 and riparian Lots 1.03 and 1.04/East Ward
 Additional Information:
 Resolution 7R2-a adopted on January 23, 2019 designated a Condemnation Redevelopment Area.
 Resolution 7R3-a(S-1) adopted on April 7, 2009 designated an Area in Need of Redevelopment.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/29/2020	1	Municipal Council	Adopt	Pass

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Additional Information:
 Resolution 7R2-a adopted on January 23, 2019 designated a Condemnation Redevelopment Area.
 Resolution 7R3-a(S-1) adopted on April 7, 2009 designated an Area in Need of Redevelopment.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law” or “LRHL”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, the Municipal Council adopted Resolution 7R2-a on January 19, 2017, authorizing and directing the Newark Central Planning Board (the “Central Planning Board”) to undertake a preliminary investigation to determine if certain properties (the “Study Area”) should be

declared as one or more “Condemnation Redevelopment Areas” pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, 192 Doremus LLC, is the owner of real property known as 192 Doremus Avenue, Newark, New Jersey 07105, and designated as Block 5014.01, Lot 1 and riparian Lots 1.03 and 1.04 on the Official Tax Map of the City of Newark, New Jersey (collectively referred to as the “Property”); and

WHEREAS, the Property was included within the Study Area; and

WHEREAS, Topology NJ, LLC, (“Topology”) in cooperation with the City and the Newark Community Economic Development Corporation, conducted a preliminary investigation to determine whether the designation of the Study Area as an area in need of redevelopment is appropriate and in conformance with the statutory criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the report, prepared by Topology, dated October 6, 2017, and entitled “Doremus Avenue Area in Need of Redevelopment Investigation Report” indicates that, based upon the Property’s inclusion in the Port/Airport Support Zone Scattered Site Study Area, (“Port/Airport Support Zone Area”), and the Municipal Council’s prior designation of the Property as an area in need of redevelopment by Resolution 7R3-a (S-1) adopted on April 7, 2009 (“2009 Resolution”), the prior designation of the Property by the 2009 Resolution remains valid and no further action is necessary; and

WHEREAS, on November 20, 2017, and continuing on December 18, 2017, January 8, 2018, January 29, 2018, and March 5, 2018, the Central Planning Board conducted Public Hearings; and

WHEREAS, on March 5, 2018, the Board voted to recommend that the Study Area be designated by the Municipal Council as an “area in need of redevelopment” with condemnation rights; and

WHEREAS, by Resolution, dated April 23, 2018, the Central Planning Board memorialized its decision to recommend that the Study Area be designated as an “Condemnation Redevelopment Area”; and

WHEREAS, on June 7, 2018, the Municipal Council adopted Resolution 7R2-d(S), as amended, determining that the Property, among others, qualifies as a “Condemnation Redevelopment Area” pursuant to the LRHL; and

WHEREAS, upon further review of Resolution 7R2-d(S), on January 23, 2019, the Municipal Council adopted Resolution 7R2-a, as amended, determining that the Property, among others, qualifies as a Condemnation Redevelopment Area” pursuant to the LRHL; and

WHEREAS, on July 20, 2018, 192 Doremus filed a Complaint Action in Lieu of Prerogative Writs in the Superior Court of New Jersey, Law Division, entitled 192 Doremus, LLC v. Municipal Council of the City of Newark and the Newark Central Planning Board, Docket # ESX-L-5075-18, challenging the Central Planning Board’s recommendation and the Municipal Council’s subsequent determination that the Property qualifies as a Condemnation Redevelopment Area, pursuant to the LRHL (“192 Doremus Litigation”); and

WHEREAS, the Parties reached a settlement of this dispute in order to avoid costly litigation expenses and memorialized the terms of their settlement in a Settlement Agreement adopted by the Municipal Council by Resolution 7R6-d on June 24, 2020 (the "Settlement Agreement"); and

WHEREAS, pursuant to the Settlement Agreement, the City agreed to de-designate the Property and remove it from the Condemnation Redevelopment Area as set forth in Resolution 7R2-a, as amended, on January 23, 2019; and

WHEREAS, pursuant to the Settlement Agreement, the City also agreed to amend Resolution 7R3-a(S-1), adopted on April 7, 2009, to remove the Property from the designation as an area in need of redevelopment under the LRHL.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The real property known as 192 Doremus Avenue, Newark, New Jersey 07105, and designated as Block 5014.01, Lot 1 and riparian Lots 1.03 and 1.04 on the Official Tax Map of the City of Newark is hereby de-designated and removed from the Condemnation Redevelopment Area as set forth in Resolution 7R2-a, as amended, on January 23, 2019.
2. Further, Resolution 7R3-a(S-1), adopted on April 7, 2009, is amended to remove the real property known as 192 Doremus Avenue, Newark, New Jersey 07105, and designated as Block 5014.01, Lot 1 and riparian Lots 1.03 and 1.04 on the Official Tax Map of the City of Newark from the designation as an area in need of redevelopment under the LRHL.
3. This resolution shall take effect immediately.

STATEMENT

This resolution de-designates and removes the real property known as 192 Doremus Avenue, Newark, New Jersey 07105, and identified as Block 5014.01, Lot 1 and riparian Lots 1.03 and 1.04 on the Official Tax Map of the City of Newark from the Condemnation Redevelopment Area as set forth in Resolution 7R2-a, as amended, on January 23, 2019. This resolution also amends Resolution 7R3-a(S-1), adopted on April 7, 2009, to remove the real property known as 192 Doremus Avenue, Newark, New Jersey 07105, and designated as Block 5014.01, Lot 1 and riparian Lots 1.03 and 1.04 on the Official Tax Map of the City of Newark from the designation as an area in need of redevelopment under the LRHL.