



Legislation Details (With Text)

**File #:** 17-0956      **Version:** 1      **Name:** Doremus Area in Need of Investigation  
**Type:** Resolution      **Status:** Returned to Administration  
**File created:** 5/10/2017      **In control:** Economic and Housing Development  
**On agenda:** 5/17/2017      **Final action:** 6/21/2017

**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Investigation for Area in Need of Redevelopment  
Purpose: Central Planning Board to determine if area is in need of redevelopment  
List of Property:  
(Address/Block/Lot/Ward)  
704-738 Doremus Avenue/5074/1/East  
441-459 Avenue P/5020/132/East  
Additional Information:  
Resolution 7R2-a adopted January 19, 2017  
Deferred 7R2-f (as) 051717

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/21/2017	1	Municipal Council	Returned to Administration	Pass
5/17/2017	1	Municipal Council	Defer	Pass

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**Additional Information:**  
Resolution 7R2-a adopted January 19, 2017  
**Deferred 7R2-f (as) 051717**

**WHEREAS,** the Department of Economic and Housing Development has requested that the Municipal Council of the City of Newark determine whether properties identified on the Official Tax Map of the City of Newark as:

Address	Block	Lot	Ward
704-738 DOREMUS AVENUE	5074	1	East
441-459 AVENUE P	5020	132	East

(the "Study Area") in the East Ward, be investigated by the Central Planning Board to determine if the Study Area is an "area in need of redevelopment" under the Local Redevelopment and Housing Law (the "LRHL"), under N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, on January 19, 2017, the Municipal Council adopted Resolution 7R2-A which authorized the Planning Board to conduct a preliminary investigation on properties identified as the Study Area; and

**WHEREAS**, a preliminary investigation has been conducted on properties identified in Resolution 7R2-a adopted January 19, 2017; and

**WHEREAS**, the properties identified on the Official Tax Map of the City of Newark as:

Address	Block	Lot	Ward
704-738 DOREMUS AVENUE	5074	1	East
441-459 AVENUE P	5020	132	East

wishes to be included in the Study Area to determine if it is an "area in need of redevelopment" and a preliminary investigation needs to be conducted; and

**WHEREAS**, the LRHL authorizes a Municipal Governing Body, by resolution, to authorize the Municipal Planning Board to undertake a preliminary investigation (the "Investigation") to determine whether an area (or any portion thereof) is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, "the resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area"); and

**WHEREAS**, the Municipal Council finds it to be in the best interest of the City and its residents to authorize the City's Planning Board to undertake such preliminary investigation of the Study Area as a Condensation Redevelopment Area; and

**WHEREAS**, the Municipal Council wishes to direct the Central Planning Board to conduct a preliminary investigation of the Study Area as authorized under the LRHL.

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

1. The Municipal Council of the City of Newark does hereby authorize and direct the Central Planning Board to undertake a preliminary investigation to determine whether the Study Area:

Address	Block	Lot	Ward
704-738 DOREMUS AVENUE	5074	1	East
441-459 AVENUE P	5020	132	East

Should be declared as one or more Condemnation Redevelopment Areas.

2. Prior to proceeding to a public hearing as to whether the Study Area constitutes a Condemnation Redevelopment Area, the Central Planning Board shall:
  - a. Prepare an investigation report that includes a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein, including a statement appended to the map setting forth the basis for the investigation and the reasons for making a determination that each property within the Study Area is or is not eligible for designation as a Condemnation Redevelopment Area.
  - b. Establish a date for a public hearing and publish notice of said hearing (in accordance with N.J.S.A. 40A:12A-6), for the purpose of giving all persons who are interested in or would be affected by a determination, that the Study Area is a Condemnation Area in Need of Redevelopment, which would authorize the City of Newark to exercise the power of eminent domain to acquire property in the Study Area.
  - c. Provide notice to all persons who claim an interest in property in the Study Area of the public hearing to determine if the Study Area is a Condemnation Area in Need of Redevelopment.
  - d. Conduct a hearing and hear all persons who are interested or would be affected by a determination that the Study Area is a Condemnation Redevelopment Area as required by N.J.S.A. 40A:12A-6.
  - e. A copy of the notice shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks, and the last publication shall be no less than ten days prior to the date set for the hearing as required by N.J.S.A. 40A:12A-6.
  - f. After completing its hearing, make a recommendation to the Municipal Council as to whether or not the Municipal Council should designate some or all of the Study Area as part of one or more Condemnation Areas in Need of Redevelopment.
3. The redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (i.e. a "Condemnation Redevelopment Area")

4. The City Clerk is hereby directed to transmit a copy of this Resolution to the Secretary of the Central Planning Board.

**STATEMENT**

Resolution authorizing the Planning Board to conduct a preliminary investigation as to whether the following properties (the Study Area)

<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Ward</b>
704-738 DOREMUS AVENUE	5074	1	East
441-459 AVENUE P	5020	132	East

in the East Ward, qualify as an “area in need of redevelopment” as defined under the Local Redevelopment and Housing Law (the “LRHL”), under N.J.S.A. 40A:12A-1 et seq.