



Legislation Details (With Text)

File #: 20-0691 **Version:** 1 **Name:** Resolution: Amending a Declaration of an Area in Need of Redevelopment - Removing Propert(ies) - 20-84 Doremus Avenue

Type: Resolution **Status:** Adopted

File created: 6/14/2020 **In control:** Economic and Housing Development

On agenda: 10/7/2020 **Final action:** 10/7/2020

Title: Dept/ Agency: Economic and Housing Development
 Action: () Ratifying (X) Authorizing (X) Amending
 Type of Service: Declaring an Area in Need of Redevelopment
 Purpose: Amending 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)
 20-84 Doremus Avenue/Block 5011/Lot 1/East Ward
 Additional Information:
 Amending Resolution 7R2-a adopted on January 23, 2019 by the Municipal Council to designate a Condemnation Redevelopment Area.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/7/2020	1	Municipal Council	Adopt	Pass

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Additional Information:
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WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (“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, Quality Carriers is the owner of real property known as 20-84 Doremus Avenue, identified on the Official Tax Map of the City of Newark, as Block 5011, Lot 1 (the “Property”), which was included within the Study Area referenced in Resolution 7R2-a adopted on January 19, 2017; and

WHEREAS, Topology NJ, LLC, (“Topology”) in cooperation with the City of Newark 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, 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 Central Planning 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 a “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 within the Study Area, qualifies as a “Condemnation Redevelopment Area” pursuant to the LRHL; and

WHEREAS, upon further review of Resolution 7R2-d(S), adopted 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 23, 2018, Quality Carriers filed a Complaint Action in Lieu of Prerogative Writs in the Superior Court of New Jersey, Law Division, entitled 125 Doremus Avenue, LLC, Jans Realty Urban Renewal, LLC, and Quality Carriers, Inc. v. The Planning Board of the City of Newark, the City of Newark, and the City Council of the City of Newark, Docket No. BER-L-005119-18, 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 (“Quality Carriers 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 as Resolution 7R6-c 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 that it will not seek condemnation of the Property by any other means for two (2) calendar years from the date of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF

NEWARK, NEW JERSEY, THAT:

1. Pursuant to the Settlement Agreement, approved by the Municipal Council on June 24, 2020, through Resolution 7R6-c, the real property known as 20-84 Doremus Avenue, Newark, New Jersey 07105 and identified on the Official Tax Map of the City of Newark, as Block 5011, Lot 1, 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. The City of Newark shall not seek condemnation of the Property by any other means for two (2) calendar years from the adoption of this resolution.

3. All other terms of Resolution 7R2-a, as amended, on January 23, 2019, shall remain in full force and effect, to the extent not otherwise amended herein.

4. This resolution shall take effect immediately.

STATEMENT

This resolution de-designates and removes the real property known as 20-84 Doremus Avenue, Newark, New Jersey 07105 and identified on the Official Tax Map of the City of Newark, as Block 5011, Lot 1 from the Doremus Avenue Condemnation Redevelopment Area as set forth in Resolution 7R2-a, as amended, adopted on January 23, 2019.