



Legislation Details (With Text)

**File #:** 18-0855      **Version:** 1      **Name:** Amending Resolution 7R2-g From "Condemnation" to "Non-Condemnation"

**Type:** Resolution      **Status:** Adopted

**File created:** 5/30/2018      **In control:** Economic and Housing Development

**On agenda:** 9/11/2018      **Final action:** 9/11/2018

**Title:** Dept/ Agency: Economic and Housing Development  
 Action: (X) Ratifying (X) Authorizing (X) Amending  
 Type of Service: Amending Resolution 7R2-g adopted on April 4, 2018 to change the designated declaration of the area in need of redevelopment from "Condemnation" to "Non-Condemnation."  
 Purpose: To amend the Resolution's designation of "Condemnation" to "Non-Condemnation."  
 List of Property:  
 (Address/Block/Lot/Ward)  
 94-120 Frelinghuysen Avenue/Block 2780/Lot 1/South Ward  
 Additional Information:

**Sponsors:** John Sharpe James, Eddie Osborne

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/11/2018	1	Municipal Council	Adopt	Pass

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**Additional Information:**

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

**WHEREAS**, on September 7, 2017, the Municipal Council of the City of Newark ("Municipal Council") adopted Resolution 7R2-e (AS) authorizing and directing the Central Planning Board of the City of Newark ("Central Planning Board") to conduct a preliminary investigation to determine whether a certain property, identified as: 94-120 Frelinghuysen Avenue/Block 2780/Lot 1/South Ward ("Study Area"), met the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as defined by the Redevelopment Law; and

**WHEREAS**, Resolution 7R2-g (hereinafter, "Resolution") adopted April 4, 2018, authorized the Municipal Council to designate: 94-120 Frelinghuysen Avenue/Block 2780/Lot 1/South Ward as a

Condemnation Redevelopment Area and further directed the Central Planning Board to create and transmit a Redevelopment Plan and Report to the Municipal Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*; and

**WHEREAS**, a public hearing was conducted by the Central Planning Board on January 22, 2018, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, after completing its investigation and public hearing on this matter, the Central Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5, for designating the Study Area as a Non-Condemnation Area in Need of Redevelopment; and

**WHEREAS**, Resolution 7R2-g failed to reflect the language and intent of the enabling Resolution, 7R2-e(AS) which authorized the Central Planning Board of the City of Newark to conduct a preliminary investigation in the area to be investigated in the South Ward as a "Non- Condemnation Redevelopment Area" in accordance with the Local Redevelopment and Housing Law; and

**WHEREAS**, the City therefore wishes to amend the Resolution by replacing the words "Condemnation" with "Non-Condemnation;" and

**WHEREAS**, all other aspects of the Resolution should remain the same.

**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, State of New Jersey has reviewed the recommendation of the Central Planning Board of the City of Newark and finds that: 94-120 Frelinghuysen Avenue/Block 2780/Lot 1/South Ward as shown on the official tax map of the City of Newark (the "Property") qualifies as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*

2. The Property is hereby designated as a Non-Condemnation Redevelopment Area in accordance with the relevant provisions of N.J.S.A. 40A:12A-1, *et seq.*

3. The designation of the Property as a Non-Condemnation Redevelopment Area shall authorize the City to exercise all powers designated by the New Jersey Legislature for use in a redevelopment area other than the use of the power of eminent domain to acquire any property in the Study Area.

4. The City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of New Jersey Department of Community Affairs for review, in accordance with N.J.S.A. 40A:12A-6(b)(5).

5. Within ten (10) days of the Municipal Council's adoption of the within Resolution, the Department of Economic and Housing Development of the City of Newark shall serve notice of the Municipal Council's determination and the within Resolution upon all record owners of property within the Non-Condemnation Redevelopment Area, those whose names are listed on the Tax Assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon

the Commissioner of the New Jersey Department of Community Affairs.

6. The Central Planning Board is hereby directed to create and transmit a Redevelopment Plan and Report to the Municipal Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. The Central Planning Board's report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate.

7. Resolution 7R2-g adopted April 4, 2018 is amended by replacing all appearances of "Condemnation" with "Non-Condemnation."

8. All other terms of Resolution 7R2-g adopted April 4, 2018, shall remain in full force and effect, to the extent not otherwise amended herein.

9. This Resolution shall take effect immediately.

### **STATEMENT**

This resolution amends Resolution 7R2-g, adopted April 4, 2018, authorizing the Municipal Council to designate: 94-120 Frelinghuysen Avenue/Block 2780/Lot 1/South Ward as a Non-Condemnation Redevelopment Area and further directs the Central Planning Board to create and transmit a Redevelopment Plan and Report to the Municipal Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.