



## Legislation Details (With Text)

**File #:** 18-1577      **Version:** 1      **Name:** Sumo AINOR Declaration: Oliver Street  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/1/2018      **In control:** Economic and Housing Development  
**On agenda:** 12/5/2018      **Final action:** 12/5/2018  
**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Declaring an Area in Need of Redevelopment  
Purpose: Designating area in need of redevelopment  
List of Property:  
(Address/Block/Lot/Ward)  
233-239 NJRR Avenue/Block 919/Lot 1/East Ward  
225-231 NJRR Avenue/Block 919/Lot 5/East Ward  
43-47 Oliver Street/Block 919/Lot 15/East Ward  
49-53 Oliver Street/Block 919/Lot 43.19/East Ward  
106-114 Chestnut Street/Block 919/Lot 43.30/East Ward  
Additional Information:  
Resolution 7R2-b adopted on March 7, 2018 authorized and directed the Central Planning Board to conduct a preliminary investigation.  
**Sponsors:** Augusto Amador, Carlos M. Gonzalez

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
12/5/2018	1	Municipal Council	Adopt	Pass

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**Additional Information:**  
Resolution 7R2-b adopted on March 7, 2018 authorized and directed the Central Planning Board to conduct a preliminary investigation.

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

**WHEREAS**, on March 7, 2018, the Municipal Council of the City of Newark (the “Municipal

Council”) adopted Resolution 7R2-b authorizing and directing the Newark Central Planning Board (the “Planning Board”) to conduct a preliminary investigation to determine whether certain properties, identified as: 233-239 NJRR Avenue, 225-231 NJRR Avenue, 43-47 Oliver Street, 49-53 Oliver Street, and 106-114 Chestnut Street or any portions thereof (the “Study Area”), are considered an “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A: 12A-5 of the LRHL and should be designated as a Non-Condensation Redevelopment Area, as defined by the Redevelopment Law; and

**WHEREAS**, the Planning Board conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated as a Non-Condensation Area in Need of Redevelopment in accordance with the criteria and procedures set forth in N.J.S.A. 40A: 12A-5 and 40A: 12A-6; and

**WHEREAS**, a public hearing was conducted by the Planning Board on June 11, 2018, with notice having properly been given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, John Barree, P.P., A.I.C.P. of Heyer Gruel & Associates, the professional planner for the Planning Board, presented a report entitled “East Ward Properties Investigation Report” dated May 2018, at the public hearing on June 11, 2018; and

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

**WHEREAS**, 233-239 NJRR Avenue (Block 919, Lot 1) met Criteria “a”; 225-231 NJRR Avenue (Block 919, Lot 5), 43-47 Oliver Street (Block 919, Lot 15), 49-53 Oliver Street (Block 919, Lot 43.19) and 106-114 Chestnut Street (Block 919, Lot 43.30) (East Ward) in the Study Area met Criteria “c” in accordance with the Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, in accordance with Redevelopment Law and as memorialized by Resolution, dated July 23, 2018, the Planning Board recommended to the Municipal Council that the properties in the Study Area be designated as a Non-Condensation Area in Need of Redevelopment; and

**WHEREAS**, the Municipal Council has reviewed the recommendation of the Planning Board and wishes to designate the properties in the Study Area as a Non-Condensation Redevelopment Area pursuant to the Redevelopment Law; and

**WHEREAS**, the designation of the Study Area as a Non-Condensation Redevelopment Area shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, other than the power of eminent domain; and

**WHEREAS**, in order to effectuate the Municipal Council’s designation of the Study Area as a Non-Condensation Redevelopment Area, the adoption of a Redevelopment Plan by the Municipal Council by Ordinance is required pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, the Municipal Council desires to direct the Planning Board to prepare a Redevelopment Plan and transmit the proposed Plan to the Municipal Council for its consideration upon completion of the Planning Board’s review.

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

1. The Municipal Council has reviewed the recommendation of the Planning Board and finds that: 233-239 NJRR Avenue (Block 919, Lot 1), 225-231 NJRR Avenue (Block 919, Lot 5), 43-47 Oliver Street (Block 919, Lot 15), 49-53 Oliver Street (Block 919, Lot 43.19) and 106-114 Chestnut Street (Block 919, Lot 43.30) (East Ward) as shown on the official tax map of the City of Newark (the "Properties") qualify as an Area in Need of Redevelopment pursuant to the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

2. The Properties are 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 Properties as a Non-Condemnation Redevelopment Area shall authorize the City to exercise all those powers provided by the Legislature for use in a Redevelopment Area, other than the power of eminent domain.

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)(c).

5. Within ten (10) days of the adoption of this Resolution, the Department of Economic and Housing Development of the City of Newark shall serve notice of the determination of the Municipal Council and this 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.

6. The Planning Board is hereby authorized and 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 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. This Resolution shall take effect immediately.

**STATEMENT**

This Resolution authorizes the Municipal Council to designate: 233-239 NJRR Avenue (Block 919, Lot 1), 225-231 NJRR Avenue (Block 919, Lot 5), 43-47 Oliver Street (Block 919, Lot 15), 49-53 Oliver Street (Block 919, Lot 43.19) and 106-114 Chestnut Street (Block 919, Lot 43.30) (East Ward) as a Non-Condemnation Redevelopment Area and further directs the 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.