



## Legislation Details (With Text)

<b>File #:</b>	19-0001	<b>Version:</b>	3	<b>Name:</b>	Resolution: Designating Doremus Avenue Study Area as a Condemnation Redevelopment Area
<b>Type:</b>	Resolution	<b>Status:</b>			Adopted
<b>File created:</b>	1/2/2019	<b>In control:</b>			Economic and Housing Development
<b>On agenda:</b>	1/15/2019	<b>Final action:</b>			1/23/2019
<b>Title:</b>	<p>Dept/ Agency: Economic and Housing Development Action: ( ) Ratifying (X) Authorizing ( ) Amending Type of Service: Declaring an Area in Need of Redevelopment Purpose: Designating Doremus Avenue Study Area as a Condemnation Redevelopment Area. List of Property: (Address/Block/Lot/Ward) ADDRESS/BLOCK/LOT/ADDITIONAL LOT(S) 127-167 Doremus Avenue/5010/8 147-163 Doremus Avenue/5010/21.01 148-182 Doremus Avenue/5011/12/12-A,14 167 Doremus Avenue/5010/21.03 173-189 Doremus Avenue/5016.01/20 184-188 Doremus Avenue/5011/16 190 Doremus Avenue/5011/17 191-269 Doremus Avenue/5016/30 191-269 Doremus Avenue Rear/5016/6 192-212 Doremus Avenue/5014/1/1.03, 1.04 20-84 Doremus Avenue/5011/1 245-253 Foundry Street/5005/1.01 271-277 Doremus Avenue/5016/5 279-295 Doremus Avenue/5016/4/B5060.01/130.0/2 291-373 Avenue P Rear/5020/13 302-310 Doremus Avenue/5070/3/3.01 17-89 Rutherford Street/5050.01/15 332-352 Doremus Avenue/5070/5/5.01 152-164 Rutherford Street/5056/20 339-355 Avenue P/5020/136 91-127 Rutherford Street/5056/26 357-405 Avenue P/5020/14 89½ Rutherford Street/5056/89 385-405 Avenue P/5020/138 461-549 Avenue P/5020/133 551 Avenue P/5020/65 551-565 Wilson Avenue/5024/18 567-589 Wilson Avenue/5020/78/B5024/20,21 672-696 Doremus Avenue/5066/16 8-18 Doremus Avenue/5011/1.01 87-125 Doremus Avenue/5010/7 92-106 Rutherford Street/5056.01/24 921-979 Delancy Street/5074/25 873-915 Delancy Street/5074/3 Additional Information: This resolution rescinds Resolution 7R2-d(S) adopted on June 8, 2018 in its entirety and amends Resolution 7R2-m(AS) adopted on July 11, 2018 to cure fatal defects to both it and its accompanying Notice. Deferred 7R2-b (s/as) 011519</p>				

**Sponsors:** Augusto Amador, Carlos M. Gonzalez

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/23/2019	2	Municipal Council	Motion to amend	Pass
1/23/2019	2	Municipal Council	Adopted as Amended	Pass
1/15/2019	1	Municipal Council	Defer	Pass

**Dept/ Agency:** Economic and Housing Development

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Declaring an Area in Need of Redevelopment

**Purpose:** Designating Doremus Avenue Study Area as a Condemnation Redevelopment Area.

**List of Property:**

**(Address/Block/Lot/Ward)**

**ADDRESS/BLOCK/LOT/ADDITIONAL LOT(S)**

127-167 Doremus Avenue/5010/8  
147-163 Doremus Avenue/5010/21.01  
148-182 Doremus Avenue/5011/12/12-A,14  
167 Doremus Avenue/5010/21.03  
173-189 Doremus Avenue/5016.01/20  
184-188 Doremus Avenue/5011/16  
190 Doremus Avenue/5011/17  
191-269 Doremus Avenue/5016/30  
191-269 Doremus Avenue Rear/5016/6  
192-212 Doremus Avenue/5014/1/1.03, 1.04  
20-84 Doremus Avenue/5011/1  
245-253 Foundry Street/5005/1.01  
271-277 Doremus Avenue/5016/5  
279-295 Doremus Avenue/5016/4/B5060.01/130.0/2  
291-373 Avenue P Rear/5020/13  
302-310 Doremus Avenue/5070/3/3.01  
17-89 Rutherford Street/5050.01/15  
332-352 Doremus Avenue/5070/5/5.01  
152-164 Rutherford Street/5056/20  
339-355 Avenue P/5020/136  
91-127 Rutherford Street/5056/26  
357-405 Avenue P/5020/14  
89½ Rutherford Street/5056/89  
385-405 Avenue P/5020/138  
461-549 Avenue P/5020/133  
551 Avenue P/5020/65  
551-565 Wilson Avenue/5024/18  
567-589 Wilson Avenue/5020/78/B5024/20,21  
672-696 Doremus Avenue/5066/16  
8-18 Doremus Avenue/5011/1.01  
87-125 Doremus Avenue/5010/7  
92-106 Rutherford Street/5056.01/24  
921-979 Delancy Street/5074/25  
873-915 Delancy Street/5074/3

**Additional Information:**

This resolution rescinds Resolution 7R2-d(S) adopted on June 8, 2018 in its entirety and amends Resolution 7R2-m(AS) adopted on July 11, 2018 to cure fatal defects to both it and its accompanying Notice.

**Deferred 7R2-b (s/as) 011519**

**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**, the Municipal Council of the City of Newark adopted Resolution 7R2-a on January 19, 2017, authorizing and directing the Central Planning Board to undertake a preliminary investigation to determine if the following properties, (hereinafter called the "Doremus Avenue Study Area"), should be declared as one or more "Condemnation Redevelopment Areas" pursuant to N.J.S.A. 40A:12A-5;

Address	Block	Lot	Additional Lots	Ward
219-221 Foundry St. Rear	5005	7		East
195-217 Foundry St. Rear	5005	12		East
191-241 Avenue P	5006.01	1		East
293-317 Roanoke Avenue	5010	34		East
319-351 Roanoke Avenue	5010	35		East
20-84 Doremus Avenue	5011	1		East
8-18 Doremus Avenue	5011	1.01		East
148-182 Doremus Avenue	5011	12	12-A,14	East
184-188 Doremus Avenue	5011	16		East
190 Doremus Avenue	5011	17		East
214-252 Doremus Avenue	5014	1.01	4	East
254-266 Doremus Avenue	5014	7	7-A	East
291-307 Avenue P	5020	1		East
551 Avenue P	5020	65		East
567-589 Wilson Avenue	5020	78	B5024/20,21	East
339-355 Avenue P	5020	136		East
551-565 Wilson Avenue	5024	18		East
66-90 Rutherford Street	5048	1		East
17-89 Rutherford Street	5050.01	15		East
91-127 Rutherford Street	5056	26		East
89 Rutherford Street	5056	89		East
92-106 Rutherford Street	5056.01	24		East
303-315 Doremus Avenue	5060.01	7		East
317-329 Doremus Avenue	5060.01	148		East
317-329 Doremus Avenue	5060.01	151		East
284-300 Doremus Avenue	5070	1	1.01	East
302-10 & 322-30 Doremus Avenue	5070	3	3.01	East

332-352 Doremus Avenue	5070	5	5.01	East
354-374 Doremus Avenue Rear	5070	7.03		East
376-394 Doremus Avenue	5070	9	9.01	East
396-414 Doremus Avenue	5070	11	11.01	East
312-316 Doremus Avenue	5070	36		East
873-915 Delancy Street	5074	3		East
921-979 Delancy Street	5074	25		East
245-253 Foundry Street	5005	1.01		East
87-125 Doremus Avenue	5010	7		East
127-167 Doremus Avenue	5010	8		East
147-163 Doremus Avenue	5010	21.01		East
125-145 Doremus Avenue	5010	21.02		East
167 Doremus Avenue	5010	21.03		East
192-212 Doremus Avenue	5014	1	1.03, 1.04	East
279-295 Doremus Avenue	5016	4	B5060.01/130.02	East
271-277 Doremus Avenue	5016	5		East
191-296 Doremus Avenue Rear	5016	6		East
191-269 Doremus Avenue	5016	30		East
173-189 Doremus Avenue	5016.01	20		East
291-373 Avenue P Rear	5020	13		East
357-405 Avenue P	5020	14		East
461-549 Avenue P	5020	133		East
385-405 Avenue P	5020	138		East
152-164 Rutherford St	5056	20		East
108-134 Rutherford St	5056.01	25		East
672-696 Doremus Avenue	5066	16		East

**WHEREAS**, publication of hearing notices for this investigation were made in the City of Newark's newspaper of record on November 3, 2017 and November 10, 2017; and, the mailings of notice to the appropriate property owners were sent, pursuant to N.J.S.A. 40A:12A-6 and *Dutch Neck Land Company, LLC vs the City of Newark*, 2008 WL 2026506 (App. Div. 2008); and

**WHEREAS**, the Central Planning Board held public hearings on October 16, 2017, November 20, 2017, November 27, 2017, December 18, 2017, January 8, 2018, January 22, 2018, January 29, 2018, February 5, 2018 and March 5, 2018; and

**WHEREAS**, Phillip Abramson AICP/PP appeared before the Central Planning Board and presented the preliminary investigation entitled "Doremus Avenue Area in Need of Redevelopment Investigation Report," (hereinafter the "Doremus Avenue Investigation Report"), dated October 6, 2017, which included a map showing the boundaries of the proposed Condemnation Redevelopment Area, that was prepared by Topology NJ, LLC on behalf of the Central Planning Board;

**WHEREAS**, Topology NJ, LLC also prepared and submitted to the Central Planning Board the “Preliminary Investigation Doremus Avenue Redevelopment Area Supplemental Report” (hereinafter “Supplemental Report”) dated January 29, 2018; and

**WHEREAS**, at the Central Planning Board public hearings, members of the general public and property owners were given an opportunity to be heard and to address questions to the Central Planning Board concerning the potential designation of the Doremus Avenue Study Area as a Condemnation Redevelopment Area; and

**WHEREAS**, the Doremus Avenue Study Area is a central component of the economic ecology of the City of Newark because it is at the core of one of the busiest, port and seaport-related, commerce and transportation intersections in the United States tightly surrounded by the Passaic River, the Newark Bay, Port Newark, Newark Liberty International Airport, Interstate 78, the New Jersey Turnpike, New Jersey State Routes 1&9, and substantial freight rail assets; and

**WHEREAS**, the properties in the Doremus Avenue Study Area have had a long and challenged history of substandard, unsafe, unsanitary, dilapidated and obsolescent commercial buildings; discontinued or abandoned commercial, manufacturing and industrial buildings that fell into disrepair; inaccessible public land, unimproved vacant land, substandard soil conditions and flooding; dilapidated or obsolescence sites that became detrimental to the community’s safety, health and welfare; lack of proper utilization of properties caused by title conditions or diverse real property ownership; deficiency of land assemblage; and, stagnant and unproductive land conditions that have had a negative impact on environmental conditions, job creations, local employment, property taxes, payroll taxes and the public health, welfare and safety on the residents of the City of Newark; and

**WHEREAS**, the City of Newark has prioritized investigating, documenting and eliminating blight through clearance, conservation and redevelopment to spur economic development in and bordering the Doremus Avenue Study Area for almost sixty (60) years; and

**WHEREAS**, the Municipal Council of the City of Newark first addressed blight in a significant portion of the Doremus Avenue Study Area when the Municipal Council adopted Resolution 7Rd on July 24, 1963, which was amended by Resolution 7Rba on August 21, 1963, designating and authorizing the Central Planning Board to make an investigation to determine whether the Industrial River Project Urban Renewal Project Area, Project N.J. R-121 (hereinafter the “Industrial Rivers U.R.A.”) was a “Blighted Area,” pursuant to Chapter 187 of the Laws of 1949; and

**WHEREAS**, the boundaries of the Industrial River U.R.A. “[begin] at the point of the Intersection of the southerly line of [Raymond Boulevard] and the Westerly bank of the Passaic River; thence, in a general northerly direction along said westerly bank of the Passaic River, its various courses, to the westerly line of City Block 2473; thence, in a general southerly direction along said westerly line of City Block 2473, extended, crossing Raymond Boulevard to the southerly line of said Raymond Boulevard; thence in a general easterly direction along said southerly line of Raymond Boulevard, its various courses, to the easterly line of the Passaic Branch of the New York Bay Railroad; thence in a general southerly direction along said easterly line of the Passaic Branch of the New York Bay Railroad, its various courses, to its intersection with the southerly right-of-way line of the Newark and Passaic Branch of the Lehigh Valley Railroad; thence, in a general westerly direction along said southerly right-of-way line of the Newark and Passaic Branch of the Lehigh Valley Railroad, its various courses, to the westerly line of Jefferson Street extended; thence in a general southerly direction along said extended westerly line of Jefferson Street to the northerly line of Lot

160 in City Block 5088, which is the northerly right-of-way line of the New York Bay Railroad; thence; in a general easterly direction along said northerly right-of-way line of the New York Bay Railroad and continuing along the southerly boundary line of City Block 5042, extended, crossing the Elizabeth Port Branch of the Central Railroad of New Jersey to the westerly line of City Block 5082; thence, in general southerly direction along said westerly line of City Block 5082, crossing Port Street, to the southerly line said Port Street; thence, in a general easterly direction along said southerly line of Port Street crossing Doremus Avenue, and continuing on the easterly terminus of said Port Street; thence, in a general northerly direction along said easterly terminus of Port Street to a point where the southerly line of City Block 5078 intersects said westerly terminus of Port Street; thence in a general easterly direction along said southerly line of City Block 5078 to the westerly bank of Newark Bay, which is the U.S. Government Pierhead line; thence, in a general northerly direction along said westerly bank of Newark Bay, its various courses, to the northerly line of City Block 5078; thence, in a general westerly direction along the northerly line of said City Block 5078, its various courses, to the easterly line of Doremus Avenue; thence, in a general northerly direction along said easterly line of Doremus Avenue, its various courses, to the southerly line of [Raymond Boulevard]; thence, in a general easterly direction along said southerly line of [Raymond Boulevard] to its intersection with the westerly bank of the Passaic River, which is the point and place of the [b]eginning;” and

**WHEREAS**, the Central Planning Board determined the Industrial River U.R.A. was a Blighted Area on October 21, 1963; and

**WHEREAS**, on November 6, 1963, the Municipal Council of the City of Newark adopted Resolution 7Rf designating the Industrial Rivers U.R.A. a Blighted Area; and

**WHEREAS**, publication of hearing notices for this investigation were made in the City of Newark’s newspaper of record, the Newark Evening News, on September 4, 1963, a copy of which was provided as part of the Doremus Avenue Study Report; and the 1963 notice stated, among other things, that “any part [of the Urban Renewal Area] may be acquired [in the future] if the area is determined to be blighted;” and

**WHEREAS**, on June 18, 1964, through Resolution 7Raa, the Municipal Council of the City of Newark adopted the April 27, 1964 Industrial River Urban Renewal Plan, (hereinafter “Industrial River U.R.P.”), which included, amongst other items, a) establishing and efficient, well-organized industrial complex in a park-like setting, b) adding the maximum amount of jobs, c) encouraging further investment, d) broadening the tax base, and e) improving the appearance in the area; and

**WHEREAS**, the Industrial River U.R.P. included a “land acquisition map” dividing properties into those “to be acquired” and those “not to be acquired;” and

**WHEREAS**, the Industrial River U.R.P. reserved the [future] right to acquire any properties that did not conform or comply to the Industrial River U.R.P. standards; and

**WHEREAS**, since the Municipal Council of the City of Newark adopted the Industrial River U.R.P. in 1964, because of the persistent blight conditions, the Industrial River U.R.P. has been amended fifteen (15) times; and

**WHEREAS**, on December 1, 1965, the Municipal Council of the City of Newark approved the adoption of Resolution 7Rbf, amending the Industrial River U.R.P. (first amendment); and

**WHEREAS**, on November 22, 1966, the Municipal Council of the City of Newark adopted Resolution 7Rw, amending the Industrial River U.R.P. (second amendment); and

**WHEREAS**, on April 16, 1969, the Municipal Council of the City of Newark adopted Resolution 7Rz, amending the Industrial River U.R.P. (third amendment); and

**WHEREAS**, on March 21, 1973, the Municipal Council of the City of Newark adopted Resolution 7Rbx, amending the Industrial River U.R.P. (fourth amendment); and

**WHEREAS**, on February 18, 1976, the Municipal Council of the City of Newark adopted Resolution 7Rp, amending the Industrial River U.R.P. (fifth amendment); and

**WHEREAS**, on December 21, 1977, the Municipal Council of the City of Newark adopted Ordinance 6S&Fc, amending the Industrial River U.R.P. (sixth amendment); and

**WHEREAS**, on April 1, 1981, the Municipal Council of the City of Newark adopted Ordinance 6S&Fc, amending the Industrial River U.R.P. (seventh amendment); and

**WHEREAS**, on August 6, 1986, the Municipal Council of the City of Newark adopted Ordinance 6S&Fa, amending the Industrial River U.R.P. (eighth amendment); and

**WHEREAS**, on September 16, 1987, the Municipal Council of the City of Newark adopted Ordinance 6S&Fk, amending the Industrial River U.R.P. (ninth amendment); and

**WHEREAS**, on September 16, 1987, the Municipal Council of the City of Newark adopted Ordinance 6S&Fl, amending the Industrial River U.R.P. (tenth amendment); and

**WHEREAS**, on January 23, 1991, the Municipal Council of the City of Newark adopted Ordinance 6S&Fc amending the Industrial River U.R.P. (eleventh amendment); and

**WHEREAS**, September 16, 1998, the Municipal Council of the City of Newark adopted Ordinance 6S&Fa, amending the Industrial River U.R.P. (twelfth amendment); and

**WHEREAS**, September 21, 2005, the Municipal Council of the City of Newark adopted Ordinance 6S&Fd, amending the Industrial River U.R.P. (thirteenth amendment); and

**WHEREAS**, December 5, 2005, the Municipal Council of the City of Newark adopted Ordinance 6S&Fe, amending the Industrial River U.R.P. (fourteenth amendment); (the fourteenth amendment was overturned in *Dutch Neck Land Company, LLC vs the City of Newark*, 2008 WL 2026506 (App. Div. 2008) (2008); and

**WHEREAS**, February 18, 2015, the Municipal Council of the City of Newark adopted Ordinance 6PSF-e, amending the Industrial River U.R.P. (fifteenth amendment); and

**WHEREAS**, the Industrial River U.R.A. excludes Blocks 5074, 5066, 5014 and 5011, and Blocks 5074, 5066, 5014 and 5011 western boundaries are the eastern boundary of the Industrial River U.R.A and the “easterly line” of Doremus Avenue, and Blocks 5074 and 5066 eastern boundaries are the “westerly banks” of the Newark Bay, and Blocks 5014 & 5011 eastern boundaries are the “westerly banks” of the Passaic River; and

**WHEREAS**, to arrest and reverse the continued blight in the Industrial River U.R.A., and on Blocks 5074, 5066, 5014 and 5011, with airport and sea-port related economic development projects from the increased flights at Newark Liberty International Airport, and the projected increased shipping cargo to Port Newark created by the Panama Canal Expansion Project and the Bayonne Bridge Navigation Clearance Project, the Municipal Council of the City of Newark on February 21, 2007 adopted Resolution 7Rf directing the Central Planning Board to conduct a Preliminary Investigation of parcels, collectively referred to as "Port/Airport Support Zone Scattered Site Study;" including, among other sites, Block 5011, Lots 1, 1.01, 12, 14, 16 and 17, Block 5014, Lots 1, 4, 7, 1.01, 1.03 and 1.04, Block 5066, Lot 16 and 5074, Lot 25;" and

**WHEREAS**, based upon the recommendation of the Central Planning Board, on March 10, 2009, the Municipal Council of the City of Newark adopted Resolution 7R3-c(S-1) designated "Port/Airport Support Study Area Sub Area Site 6," the following site, as "An Area in Need of Redevelopment;"

Address	Block	Lot
672-692 Doremus Avenue	5066	16

**WHEREAS**, based upon the recommendation of the Central Planning Board, on April 07, 2009, the Municipal Council of the City of Newark adopted Resolution 7R3-a(S-1) designated "Port/Airport Support Study Area Sub Area Site 5," the following sites, as "An Area in Need of Redevelopment;"

Address	Block	Lots
128-146 Doremus Avenue	5011	10
128-146 Doremus Avenue	5011	10.01
148-182 Doremus Avenue	5011	12
148-182 Doremus Avenue	5011	12.01
148-182 Doremus Avenue	5011	12.02
148-182 Doremus Avenue	5011	14
184-188 Doremus Avenue	5011	16
190 Doremus Avenue	5011	17
192-212 Doremus Avenue	5014	1
192-212 Doremus Avenue	5014	1.01
192-212 Doremus Avenue	5014	1.02
192-212 Doremus Avenue	5014	1.03, 1.04
214-252 Doremus Avenue	5014	4
254-266 Doremus Avenue	5014	7
254-266 Doremus Avenue	5014	7.01

**WHEREAS**, the Municipal Council of the City of Newark adopted the Newark Master Plan in 2012 and the Newark Zoning and Land Use Ordinance in 2015, respectively, the first such comprehensive undertaking of city-wide municipal master planning and land use zoning changes in



the City of Newark since 1954; and

**WHEREAS**, the Newark Master Plan states that “Newark is home to the largest container port on the East Coast and the third largest in the country [presently second], and Newark Liberty International Airport is the 14<sup>th</sup> busiest domestic passenger airport; ...[y]et only 22% of port and port-related jobs in Newark are currently held by Newark residents; [and], the 7,200 acres of land in the port area currently employ roughly [only] 5.5 workers per acre,” well below industry standards; and

**WHEREAS**, in the public interest of the City of Newark, Newark Master Plan’s vision for the air and sea-port economic development sectors is that by the year 2025, “the City will aim to...ready five [air and sea-port related] sites for redevelopment,” and that the sites would have “at least 8 to 12 jobs per acre,” and, to combat local unemployment and underemployment, Newark residents should hold from “22% to 33%” of all port and port-related jobs” on these [redevelopment] sites;” and

**WHEREAS**, there have been many obstacles over the last half-century that have limited the ability of the Industrial River U.R.A., and the Port/Airport Support Study Area to redevelop, including changes in environmental regulations and soil/brownfield remediation, the creation of the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection, suburbanization of the warehousing industry along the New Jersey Turnpike, greenfield developments, Superstorm Sandy and other flooding due to climate change of the Newark Bay and the Passaic River, the inaccessibility of “megaships” to Port Newark, real and perceived crime, violence and image issues for the City of Newark and several national economic recessions, including the Great Recession; and

**WHEREAS**, the City of Newark, since 1963, has consistently been committed to and constantly working towards clearing, reducing, arresting and reserving blight and protecting the public health, safety and welfare of its residents and creating jobs and increasing tax revenue in the Industrial River U.R.A., and the Port/Airport Support Study Area; and

**WHEREAS**, the redevelopment of the Industrial River U.R.A and the redevelopment of the Port/Airport Support Study Area still have not been adequately realized; and

**WHEREAS**, therefore, pursuant to N.J.S.A. 40A:12A-5 under the LRHL, a delineated area may be determined to be “area in need of redevelopment” if the parcels exhibit any one of the following characteristics:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions; and
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable; and
- c. Land that is owned by the municipality, the county, a local housing authority redevelopment or redevelopment entity, or unimproved vacant land that has remained so far a period of ten years prior to adoption of the resolution and that by reason of its location, remoteness, lack of means of access to development sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the

instrumentality of private capital; and

- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation light and sanitary facilities, excessive land coverage; deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community; and
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 2013); and
- f. Areas, in excess of five (5) contiguous acres, where on buildings or improvements have been destroyed consumed by fire, demolished or altered by the action of storm, fire cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the areas has been materially depreciated; and
- g. In any municipality in which an enterprise zone has been designated pursuant to the New Jersey Urban Enterprise Zones Act, P.L. 1983, c 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approved by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that they area is in need of redevelopment pursuant to the sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431 (C.40A:20-1et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless municipal governing body and planning board have also taken the actions fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A: 12A-1et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone; and
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation; and

**WHEREAS**, in the LRHL, commonly referred to as “Section 3,” “a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part;” and

**WHEREAS**, the Central Planning Board determined that the following parcels in the Doremus Avenue Study Area were a “Blighted Area” in the Industrial River U.R.A;

Address	Block	Lot	Additional Lots
245-253 Foundry Street	5005	1.01	
219-221 Foundry Street Rear	5005	7	
195-217 Foundry Street Rear	5005	12	
191-241 Avenue P	5006.01	1	
173-189 Doremus Avenue	5016.01	20	
87-125 Doremus Avenue	5010	7	
293-317 Roanoke Avenue	5010	34	
319-351 Roanoke Avenue	5010	35	
127-167 Doremus Avenue	5010	8	
125-145 Doremus Avenue	5010	21.02	
147-163 Doremus Avenue	5010	21.01	
167 Doremus Avenue	5010	21.03	
191-269 Doremus Avenue	5016	30	
191-269 Doremus Avenue Rear	5016	6	
279-295 Doremus Avenue	5016	4	B5060.01/130.02
271-277 Doremus Avenue	5016	5	
291-307 Avenue P	5016	1	
291-373 Avenue P Rear	5020	13	
551 Avenue P	5020	65	
567-589 Wilson Avenue	5020	78	B5024/20,21
461-549 Avenue P	5020	133	
339-335 Avenue P	5020	136	
385-405 Avenue P	5020	138	
357-405 Avenue P	5020	14	
551-565 Wilson Avenue	5024	18	
312-316 Doremus Avenue	5048	1	
302-10 & 322-30 Doremus Avenue	5050.01	15	
322-352 Doremus Avenue	5056	20	
354-374 Doremus Avenue Rear	5056	26	
376-394 Doremus Avenue	5056	89	

**WHEREAS**, Central Planning Board determined that the following parcels in the Doremus Avenue Study Area were “An Area in Need of Redevelopment” in the Port/Airport Support Zone Study Area Sub Areas 5 & 6;

Address	Block	Lot	Additional Lots
148-182 Doremus Avenue	5011	12	12-A, 14
184-188 Doremus Avenue	5011	16	
190 Doremus Avenue	5011	17	

192-212 Doremus Avenue	5014	1	1.03, 1.04
672-692 Doremus Avenue	5066	16	

**WHEREAS**, a Supplemental Report was prepared for the Central Planning Board to respond to information presented at public hearings to address conditions upon the following four (4) parcels that were previously included within the Industrial River U.R.A. and were subsequently subject to redeveloper agreements and received certificates of completion (pursuant to N.J.S.A. 40A:12A-9) from the Newark Housing Authority and the Supplemental Report studied the current conditions upon these parcels and found conditions would substantiate a finding that the parcels were “In Need of Redevelopment;”

Address	Block	Lot	Additional Lot
92-106 Rutherford Street	5056.01	24	
303-315 Doremus Avenue	5060.01	7	
317-329 Doremus Avenue	5060.01	148	
317-329 Doremus Avenue	5060.01	151	

**WHEREAS**, the Supplemental Report prepared for the Central Planning Board provided substantial evidence that the two (2) following parcels, previously studied in the Port Airport/Support Zone Study Area Sub Area 5, but not designated as an area in need of redevelopment, are indeed, “In Need of Redevelopment;”

Address	Block	Lot	Additional Lot
214-252 Doremus Avenue	5014	1.01	
256-266 Doremus Avenue	5014	7	7-A

**WHEREAS**, the following one (1) parcel in the Doremus Avenue Study Area was determined by the Central Planning Board to be in “An Area in Need of Redevelopment,” but Non-Condensation Area because it is owned by the Passaic Valley Sewerage Commission (“PVSC”), a “regional authority” and is “immune” from the City of Newark’s condemnation powers pursuant to *Rutgers, State University v. Piluso*, 60 N.J. 142, 150 (1972);

Address	Block	Lot	Additional Lot
108-Rutherford Street	5056.01	25	

**WHEREAS**, the following four (4) parcels in the Doremus Avenue Study Area were determined by the Central Planning Board to be in “An Area in Need of Redevelopment,” but Non-Condensation Area because they are owned by the Conrail, a “federal authority,” and are also “immune” from the City of Newark’s condemnation powers;

Address	Block	Lot	Additional Lot
312-316 Doremus Avenue	5070	36	

219-221 Foundry Street Rear	5005	7	
195-217 Foundry Street Rear	5005	12	
291-307 Avenue P	5020	1	

**WHEREAS**, the Central Planning Board, after having prepared a map of the boundaries of the proposed Condemnation Redevelopment Area, and after careful studying and deliberation of the contents and substance of the Doremus Avenue Investigation Report, Supplemental Report, presentations and testimony, recommended through resolution adopted on April 23, 2018 that the Municipal Council of the City of Newark adopt the Doremus Avenue Investigation Report as presented and declares the Doremus Avenue Study Area as a “Condemnation Redevelopment Area,” as defined in the LRHL; and

**WHEREAS**, after having reviewed the recommendation of the Central Planning Board, on June 7, 2018, the Municipal Council adopted Resolution 7R2-d(S) designating the Doremus Study Area as a Condemnation Redevelopment Area; and

**WHEREAS**, on July 11, 2018, the Municipal Council adopted Resolution 7R2-m(AS), which amended Resolution 7R2-d(S) to delete 214-252 Doremus Avenue and 254-266 Doremus Avenue, identified on the Tax Map respectively as Block 5014, Lots 1.01 and 4 and Block 5014, Lots 7 and 7A; and

**WHEREAS**, upon subsequent review of the Central Planning Board’s recommendation, the Municipal Council has determined that Resolution 7R2-d(S), as amended by Resolution 7R2-m(AS) requires certain amendments, and therefore, both resolutions must be rescinded to make such amendments consistent with the Central Planning Board’s recommendation; and

**WHEREAS**, based upon the recommendations of the Central Planning Board, the Municipal Council has decided, where appropriate, to accept these recommendations and to designate certain area(s) in the Doremus Avenue Study Area as “Condemnation Redevelopment Area(s);” and

**NOW, THEREFORE, BE IT RESOLVED**, the Municipal Council of the City of Newark, New Jersey hereby rescinds Resolution 7R2-d(S) and Resolution 7R2-m(AS) in their entirety and adopts the within Resolution; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Municipal Council that the following properties in the Doremus Avenue Study Area are a “Condemnation Redevelopment Area”;

Address	Block	Lot	Additional Lot(s)
127-167 Doremus Avenue	5010	8	
147-163 Doremus Avenue	5010	21.01	
148-182 Doremus Avenue	5011	12	12-A, 14
167 Doremus Avenue	5010	21.03	
173-189 Doremus Avenue	5016.01	20	
184-188 Doremus Avenue	5011	16	

190 Doremus Avenue	5011	17	
191-269 Doremus Avenue	5016	30	
191-269 Doremus Avenue Rear	5016	6	
192-212 Doremus Avenue	5014	1	1.03, 1.04
20-84 Doremus Avenue	5011	1	
245-253 Foundry Street	5005	1.01	
271-277 Doremus Avenue	5016	5	
279-295 Doremus Avenue	5016	4	B5060.01/130.02
291-373 Avenue P Rear	5020	13	
302-310 Doremus Avenue	5070	3	3.01
17-89 Rutherford St.	5050.01	15	
332-352 Doremus Avenue	5070	5	5.01
152-164 Rutherford St.	5056	20	
339-355 Avenue P	5020	136	
91-127 Rutherford St.	5056	26	
357-405 Avenue P	5020	14	
89 ½ Rutherford St.	5056	89	
385-405 Avenue P	5020	138	
461-549 Avenue P	5020	133	
551 Avenue P	5020	65	
551-565 Wilson Avenue	5024	18	
567-589 Wilson Avenue	5020	78	B5024/20,21
672-696 Doremus Avenue	5066	16	
8-18 Doremus Avenue	5011	1.01	
87-125 Doremus Avenue	5010	7	
92-106 Rutherford Street	5056.01	24	
921-979 Delancy Street	5074	25	
873-915 Delancy Street	5074	3	

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the designation of Doremus Avenue Study Area as a Condemnation Redevelopment Area shall authorize the City of Newark to exercise their power of eminent domain to acquire Doremus Avenue Study Area Condemnation Redevelopment Area properties; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to N.J.S.A. 40A: 12A-6(b)(5); and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, the Central Planning Board shall, within ten (10) days of adoption of this resolution, serve a copy of this Resolution upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's

records and upon each person who filed a written objection to the proposed "Condemnation Redevelopment Area" determination and who stated in such written objection an address to which notice of the determination may be sent; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, pursuant to N.J.S.A. 40A:12A-7(f), the Central Planning Board is hereby directed to prepare a Redevelopment Plan and amend existing Redevelopment Plans, as necessary, for the properties designated as a "Condemnation Redevelopment Area."

### **STATEMENT**

This resolution rescinds Resolution 7R2-d(S) adopted on June 7, 2018 in its entirety and amends Resolution No. 7R2-m(AS) adopted on July 11, 2018 to cure fatal defects to both it and its accompanying Notice