



## Legislation Text

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File #: 20-0708, Version: 1

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**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)**

279-295 Doremus Avenue/Block 5016/Lot 4/Additional Block 5060.01/Lot 130.02/East Ward

271-277 Doremus Avenue/Block 5016/Lot 5/East Ward

**Additional Information:**

Resolution 7R2-a adopted on January 23, 2019 by the Municipal Council designated a Condemnation Redevelopment Area.

Resolution 7RF adopted on November 6, 1963 by the Municipal Council designated a blighted area under the predecessor statute to the Local Redevelopment and Housing Law.

**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**, Dutch Neck Land Company, LLC ("Dutch Neck"), is the owner of real property known as 279-295 Doremus Avenue, Newark, New Jersey 07105 identified on the Official Tax Map of the City of Newark, as Block 5016, Lot 4 including additional Block 5060.01, Lot 130.02, and 271-277 Doremus Avenue, Newark, New Jersey 07105 identified on the Official Tax Map of the City of Newark as Block 5016, Lot 5 (collectively the "Properties"), which were 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**, the report, prepared by Topology, dated October 6, 2017, and entitled "Doremus Avenue Area in Need of Redevelopment Investigation Report" states that, based upon the Properties'

inclusion in the Industrial River Urban Renewal Project Area (Project NJR-121), (“Industrial River Area”), and the Municipal Council’s prior designation of the Properties as blighted by Resolution 7RF adopted on November 6, 1963 (“1963 Resolution”), the prior designation of the Properties by the 1963 Resolution remains valid and no further action is necessary; 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 an “Condemnation Redevelopment Area”; and

**WHEREAS**, on June 7, 2018, the Municipal Council adopted Resolution 7R2-d(S), as amended, determining that the Properties, among others, qualify 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 Properties, among others, qualify as a Condemnation Redevelopment Area” pursuant to the LRHL; and

**WHEREAS**, on July 20, 2018, Dutch Neck filed a Complaint Action in Lieu of Prerogative Writs in the Superior Court of New Jersey, Law Division, entitled Dutch Neck Land Company, LLC v. Municipal Council of the City of Newark and the Newark Central Planning Board, Docket No. ESX-L-005072-18, challenging the Central Planning Board’s recommendation and the Municipal Council’s subsequent determination that the Properties qualify as a Condemnation Redevelopment Area, pursuant to the LRHL (“Dutch Neck Litigation”); and

**WHEREAS**, Dutch Neck and the City of Newark reached a settlement of Dutch Neck Litigation 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-e dated June 24, 2020 (the “Settlement Agreement”); and

**WHEREAS**, pursuant to the Settlement Agreement, the City of Newark agreed to de-designate and remove the Properties 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 of Newark also agreed to amend Resolution 7RF, adopted November 6, 1963, and as subsequently amended, to remove the Properties from the designation as a blighted area under a predecessor statute to the LRHL.

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

1. Pursuant to the Settlement Agreement, arising from the Complaint entitled Dutch Neck Land Company, LLC v. Municipal Council of the City of Newark and the Newark Central

Planning Board, Docket No. ESX-L-005072-18, approved by the Municipal Council on June 24, 2020, through Resolution 7R6-e, the real property known as 279-295 Doremus Avenue, Newark, New Jersey 07105, identified as Block 5016, Lot 4 including additional Block 5060.01, Lot 130.02 on the Official Tax Map of the City of Newark, and 271-277 Doremus Avenue, Newark, New Jersey 07105, identified as Block 5016, Lot 5 on the Official Tax Map of the City of Newark are hereby de-designated and removed from the Condemnation Redevelopment Area as set forth in Resolution 7R2-a, as amended, on January 23, 2019.

2. Pursuant to the Settlement Agreement, arising from the Dutch Neck Litigation, approved by the Municipal Council on June 24, 2020, through Resolution 7R6-e, Resolution 7RF, adopted November 6, 1963, and as subsequently amended, is amended to remove the Properties from the designation as a blighted area under a predecessor statute to the Local Redevelopment and Housing Law.
3. The City Clerk is hereby directed to transmit a copy of this resolution to Dutch Neck within five (5) days of the Municipal Council's adoption.
4. All other terms of Resolutions 7R2-a, as amended, adopted on January 23, 2019, and 7RF, adopted on November 6, 1963, as amended, shall remain in full force and effect, to the extent not otherwise amended herein.
5. This resolution shall take effect immediately.

### **STATEMENT**

This resolution de-designates and removes the real property known as 279-295 Doremus Avenue, Newark, New Jersey 07105 identified as Block 5016, Lot 4 including additional Block 5060.01, Lot 130.02 on the Official Tax Map of the City of Newark, and 271-277 Doremus Avenue, Newark, New Jersey 07105, identified as Block 5016, Lot 5 on the Official Tax Map of the City of Newark from the Condemnation Redevelopment Area as set forth in Resolution 7R2-a adopted on January 23, 2019. In addition, this resolution amends Resolution 7RF, adopted on November 6, 1963, as subsequently amended, to remove the Properties from the designation as a blighted area under a predecessor statute to the Local Redevelopment and Housing Law.