



## Legislation Text

File #: 22-1019, Version: 1

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

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

**Type of Service:** Investigation for Area in Need of Redevelopment

**Purpose:** Authorizing the Central Planning Board to undertake a preliminary investigation to determine if the area is in need of redevelopment.

**List of Property:**

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

425-431 Chancellor Avenue/Block 3732/Lot 55/South Ward

378-380 Fabyan Place/Block 3732/Lot 59/South Ward

370-372 Fabyan Place/Block 3732/Lot 62/South Ward

344-368 Fabyan Place/Block 3732/Lots 65/Adtl' Lots 66, 67,69,70,72,74,75, and 77/South Ward

**Additional Information:**

**WHEREAS**, the Department of Economic and Housing Development has requested that the properties identified on the Official Tax Map of the City of Newark, known as 425-431 Chancellor Avenue, 378-380 Fabyan Place, 370-372 Fabyan Place and 344-368 Fabyan Place (Block 3732, Lots 55, 59, 62, 65, 66, 67, 69, 70, 72, 74, 75, and 77) (the "Study Area") in the South Ward, be investigated by the Newark Central Planning Board ("Central Planning Board") to determine if the Study Area is an "area in need of redevelopment" under the Local Redevelopment and Housing Law (the "LRHL"), under N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, the LRHL authorizes the Governing Body, by resolution, to authorize the Central Planning Board to undertake a preliminary investigation (the "Investigation") to determine whether an area (or any portion thereof) is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5 of the LRHL; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, "the resolution authorizing the Central Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area"); and

**WHEREAS**, the Municipal Council finds it in the best interest of the City and its residents to authorize the Central Planning Board to undertake such Investigation of the Study Area as a Non-

Condemnation Redevelopment Area; and

**WHEREAS**, the Municipal Council wishes to direct the Central Planning Board to conduct the Investigation of the Study Area as authorized under the LRHL.

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

1. The Central Planning Board of the City of Newark is hereby authorized and directed to conduct a preliminary investigation as to whether 425-431 Chancellor Avenue, 378-380 Fabyan Place, 370-372 Fabyan Place and 344-368 Fabyan Place (Block 3732, Lots 55, 59, 62, 65, 66, 67, 69, 70, 72, 74, 75, and 77), in the South Ward is an “area in need of redevelopment” as defined under the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1, et seq., to issue all notices, and to conduct all public hearings required under the LRHL, to effectuate this preliminary investigation, and to thereafter provide its recommendations to the Municipal Council.
2. The redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, other than the use of eminent domain (i.e. a “Non-Condemnation Redevelopment Area”).
3. The Acting City Clerk is hereby directed to transmit a copy of this Resolution to the Secretary of the Central Planning Board.

### **STATEMENT**

This Resolution authorizes the Central Planning Board to conduct a preliminary investigation as to whether 425-431 Chancellor Avenue, 378-380 Fabyan Place, 370-372 Fabyan Place and 344-368 Fabyan Place (Block 3732, Lots 55, 59, 62, 65, 66, 67, 69, 70, 72, 74, 75 and 77) in the South Ward is an “area in need of redevelopment” as defined under the Local Redevelopment and Housing Law (the “LRHL”), under N.J.S.A. 40A:12A-1 et seq.