RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF WATCHUNG TO UNDERTAKE A PRELIMINARY INVESTIGATION OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1, ET SEQ.) FOR CLASSIFICATION AS AN "AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT" AND DIRECTING THE BOROUGH AFFORDABLE HOUSING PLANNERS TO PREPARE A STUDY INVESTIGATING WHETHER BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 CONSTITUTE AN "AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT."

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), the Borough Council (the "Borough Council") of the Borough of Watchung (the "Borough") may direct the Planning Board (the "Planning Board") of the Borough to conduct a preliminary investigation and public hearing to determine whether certain areas of the Borough constitute areas in need of redevelopment; and

WHEREAS, the "Borough Council" seeks to have the "Planning Board" undertake a preliminary investigation of the Block 7402, Lots 19.01 and 19.02, and Block 7403, Lots 5 and 10 (collectively, the "Study Area"); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, the "Borough Council" shall state whether the redevelopment area shall be a "non-condemnation redevelopment area", which is defined as a redevelopment area that shall not use the power of eminent domain authorized by the "Redevelopment Law", or whether the redevelopment area shall be a "condemnation redevelopment area", which is defined as a redevelopment area that may use the power of eminent domain authorized by the "Redevelopment Law;" and

WHEREAS, upon the completion of the preliminary investigation and public hearing, the "Planning Board" shall provide recommendations to the "Borough Council" as to its investigation of the "Study Area," all in accordance with N.J.S.A. 40A:12A-6.

NOW THEREFORE, BE IT RESOLVED BY THE "BOROUGH COUNCIL" OF THE BOROUGH OF WATCHUNG:

1. The "Planning Board" is hereby authorized and directed to conduct a preliminary investigation pursuant to the "Redevelopment Law," specifically N.J.S.A. 40A:12A-6, to determine whether the "Study Area" satisfies the criteria set forth in N.J.S.A. 40A:12A-6, and should be designated as an area in need of redevelopment.

2. Any redevelopment area created pursuant to this authorization shall be a "non-condemnation" redevelopment area pursuant to N.J.S.A. 40A: 12A-6.

3. The Borough Affordable Housing Planners are hereby authorized and directed to assist the "Planning Board" in its preliminary investigation of the "Study Area" and to prepare a study investigating whether the "Study Area" constitutes an "area in need of redevelopment" under the "Redevelopment Law."

4. As part of its investigation, the "Planning Board" shall prepare a map showing the boundaries of the "Study Area" and the location of the various parcels contained therein. There shall be a statement appended to the map setting forth the basis for the investigation.

5. The "Planning Board" shall conduct a public hearing, after giving due notice of the proposed boundaries of the "Study Area" and the date of the hearing to any persons who are interested in or would be affected by a determination that the area delineated in the notice is a redevelopment area in accordance with the requirements of N.J.S.A. 40A:12A-6.

6. At the hearing, the "Planning Board" shall hear from all persons who are interested in or would be affected by a determination that the "Study Area" is a redevelopment area. All objections to a determination that the "Study Area" is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the "Planning Board" and made part of the public record.

7. After conducting its investigation, preparing a map of the "Study Area," conducting a public hearing at which all objections to the designation are received and considered, the "Planning Board" shall make a recommendation to the "Borough Council" as to whether the "Borough Council" should designate all or a portion of the "Study Area" as an area in need of redevelopment pursuant to the "Redevelopment Law."

8. The Borough Administrator, Clerk, Affordable Housing Planners and Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the preliminary investigation of the "Study Area," and are hereby authorized and directed to take such actions, including but not limited to, the negotiation of any and all documents necessary to undertake the investigation as being hereby ratified and confirmed.

9. This Resolution takes effect immediately upon adoption.

Date: June 7, 2018
Index: Pl. Board
C: Pl. Board 6/7/18

Council

Stephen K. Pote, Mayor

I, Michelle DeRocco, Municipal Clerk of the Borough of Watchung, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a correct and true copy of a Resolution adopted by the Mayor and Council at a meeting held on June 7, 2018.

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Michelle DeRocco, RMC