

R18-29
RESOLUTION OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY DESIGNATING CERTAIN
AREAS WITHIN THE BOROUGH OF
MERCHANTVILLE AS AN AREA IN NEED OF
REDEVELOPMENT AND CONDEMNATION
REDEVELOPMENT AREA, AND DESIGNATING
CERTAIN AREAS WITHIN THE BOROUGH OF
MERCHANTVILLE AS IN NEED OF
REHABILITATION, PURSUANT TO N.J.S.A. 40A:12-6

WHEREAS, in the Master Plan Report, adopted by Resolution on October 23, 2007, the Planning Board of the Borough of Merchantville recognized that certain areas and properties within the Borough of Merchantville might qualify as “redevelopment areas” or “areas in need of redevelopment” as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the Borough Council of the Borough of Merchantville, by Resolution No. 17-94, dated August 14, 2017, referred to the Joint Land Use Board of the Borough of Merchantville a directive to conduct a preliminary investigation to determine whether the conditions are present on certain properties and areas within the Borough of Merchantville specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lots 6 and 12 on the Official Tax Map of the Borough of Merchantville, that meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties to be deemed “in need of redevelopment,” and

WHEREAS, in Resolution No. 17-94, the Borough Council of the Borough of Merchantville, that should the Joint Land Use Board of the Borough of Merchantville determine that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lots 6 and 12 on the Official Tax Map of

the Borough of Merchantville, meet the criteria to be deemed “in need of redevelopment,” that the Joint Land Use Board of the Borough of Merchantville should also determine if the certain properties and areas within the Borough of Merchantville, as more particularly described in Exhibit A, the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties and areas to be deemed as a “Condemnation Redevelopment Area,” authorizing the Borough of Merchantville to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Joint Land Use Board of the Borough of Merchantville has reviewed a document entitled “Preliminary Investigation for Determination of Redevelopment Area with Condemnation Potential,” dated November 7, 2017, prepared by Ragan Design Group of Medford, New Jersey, as a part of its preliminary investigation to determine whether certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lots 6 and 12 on the Official Tax Map of the Borough of Merchantville, to determine whether the proposed land is an area in need of redevelopment; and

WHEREAS, the Joint Land Use Board of the Borough of Merchantville has conducted a public hearing on November 28, 2017, during which expert testimony was taken from Mara Wexler-Wuebker, A.I.C.P., P.P. of Ragan Design Group, and all members of the public, including those who would or could be affected by the designation of the properties and areas to be a “Condemnation Redevelopment Area,” were given the opportunity to be heard; and,

WHEREAS, the Joint Land Use Board has recommended to the Borough Council on January 9, 2018, that substantial evidence exists to support a finding that the certain properties

and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and should be designated as redevelopment areas pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Joint Land Use Board has recommended to the Borough Council on April 19, 2017, that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, found to be in need of redevelopment should be and are recommended to be designated as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Joint Land Use Board has recommended to the Borough Council on January 9, 2018, that substantial evidence exists to support a finding that a certain property and area within the Borough of Merchantville, specifically, Block 4, Lot 6 on the Official Tax Map of the Borough of Merchantville, is in need of rehabilitation and should be designated as a rehabilitation area pursuant to N.J.S.A. 40A:12A-6; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville finds, based upon the recommendation of the Joint Land Use Board of the Borough of Merchantville, that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and shall be designated as redevelopment areas pursuant to N.J.S.A. 40A:12A-6; and

AND BE IT FURTHER RESOLVED that, based upon the recommendation of the Joint Land Use Board of the Borough of Merchantville, the designation of the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, attached hereto and made a part hereof, as “areas in need of redevelopment” pursuant to N.J.S.A. 40A:12A-6 establishes these “areas in need of redevelopment” as a “Condemnation Redevelopment Area,” and that the notice of the determination required pursuant to N.J.S.A. 40A:12A-6 subparagraph (d) of this paragraph shall indicate that:

1. the determination by the Borough Council of the Borough of Merchantville that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and the designation of these certain properties and areas as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6 operates as a finding of public purpose and authorizes the Borough of Merchantville to exercise the power of eminent domain to acquire property in the redevelopment area, and

2. any owner desiring to challenge the adoption of this Resolution determining that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and the designation of these certain properties and areas as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A:12A-6, must do so by filing an action in lieu of prerogative writ in the Superior Court of New Jersey, Law Division, Camden County within forty-five (45) days of the receipt of

notice of the adoption of this Resolution by the Borough Council of the Borough of Merchantville. Failure to do so shall preclude an owner to legally challenge the validity of the action of the Borough Council.

AND BE IT RESOLVED by the Borough Council of the Borough of Merchantville finds, based upon the recommendation of the Joint Land Use Board of the Borough of Merchantville, that substantial evidence exists to support a finding that a certain property and area within the Borough of Merchantville, specifically, Block 4, Lot 6 on the Official Tax Map of the Borough of Merchantville, attached hereto and made a part hereof, is in need of rehabilitation and shall be designated as a rehabilitation area pursuant to N.J.S.A. 40A:12A-6; and

AND BE IT FURTHER RESOLVED, upon the adoption of this Resolution, the Borough Clerk of the Borough of Merchantville shall forthwith transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal by the clerk, the determination shall be deemed to be approved.

AND BE IT FURTHER RESOLVED that a copy of this Resolution shall be served, within ten (10) days after the determination, 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 thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

I, **DENISE BROUSE**, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by Borough Council at a meeting of said Borough Council on February 9, 2018, and that said Resolution passed by a majority vote of the members of Borough Council.

DENISE BROUSE, BOROUGH CLERK