

RESOLUTION #21-68 – 1/11/21

AMEND RESOLUTION #20-361 ADOPTED ON NOVEMBER 16, 2020 TO AUTHORIZE AND DIRECT THE TOWNSHIP OF NEPTUNE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN AREAS ALONG ROUTES 33 AND 35, KNOWN INFORMALLY AS THE TOWNSHIP CROSSROADS AND IDENTIFIED AS BLOCK 1106, LOTS 1-7 AND LOTS 8-17 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE, QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT (NON-CONDEMNATION) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on November 16, 2020, the Township Committee of the Township of Neptune ("Township Committee") adopted Resolution #20-361 (the "Prior Resolution") authorizing and directing the Township of Neptune Planning Board ("Planning Board") to undertake a preliminary investigation (the "Study") to determine whether certain areas along Routes 33 and 35 identified on the Tax Map of the Township of Neptune as Block 1106, Lots 1-7 and Lots 8-17 and Block 1107, Lots 1-12 qualify as an area in need of redevelopment (non-condemnation) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Act"); and

WHEREAS, the real property identified as Block 1107, Lots 1-12 on the Township of Neptune Tax Map was inadvertently included in the description of the area to be subject to the Study and the Township Committee wishes to amend the Prior Resolution to remove Block 1107, Lots 1-12 from the area to be subject to the Study and affirm that only the real property identified as Block 1106, Lots 1-7 and Lots 8-17 shall be subject to this Study; and

WHEREAS, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, replanning, development or redevelopment of certain areas within the State shall constitute a public purpose and public use; and

WHEREAS, the Legislature of the State of New Jersey (the "Legislature") has adopted a comprehensive set of redevelopment laws, the centerpiece of which is the allowing for, *inter alia*, the substantial improvement to underutilized, unused, fragmented deteriorated or general blighted properties through the careful design, writing and implementation of redevelopment plans; and

WHEREAS, the Act provides a mechanism to assist local governments in their efforts to promote such programs of redevelopment; and

WHEREAS, the Act sets forth the procedures for a municipality to declare an area in need of redevelopment and to develop and effectuate a redevelopment plan; and

WHEREAS, the Act specifically provides that no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area qualifies as an area in need of redevelopment by meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A. 40A:-12A-6, "[t]he resolution authorizing the 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 Township Committee of the Township of Neptune reiterates that it is in the best interest of the Township and its residents to authorize and direct the Planning Board, pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6, to undertake such a preliminary investigation of the real properties listed below which lie along Routes 33 and 35, in an area known informally as the Township Crossroads, which are identified as Block 1106, Lots 1-7 and Lots 8-17 on the Tax Map of the Township of Neptune (collectively, the "Study Area"), with the primary objective being to improve the quality of life of the Township's residents and to improve the economic foundation of the Township so that long term tax stability is achieved for all of the Township residents; and

WHEREAS, it appears that the parcels within the Study Area, by reason of faulty arrangement of design, deleterious land use, obsolescence, obsolete layout, and/or other factors, have remained stagnant, unproductive, underutilized and undervalued and as a result, may be detrimental to the health, safety, or welfare of the Township's residents and are specifically recommended to be studied by the Planning Board as set forth herein.

NOW, THEREFORE, it is hereby resolved by the Township Committee of Neptune as follows:

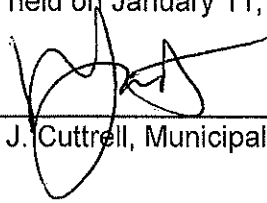
1. Pursuant to N.J.S.A. 40A:12-1, et seq., the Planning Board is hereby authorized and directed to undertake an investigation to determine whether the real property set forth below in the Property List, and as it is designated on the Tax Map of the Township of Neptune (collectively referred to herein as the Study Area), or any portion thereof, qualifies as an area in need of redevelopment in accordance with the criteria set forth at N.J.S.A. 40:12A-5.
2. The Planning Board shall conduct a public hearing regarding the Property and said public hearing shall be conducted after public notice has been given in accordance with N.J.S.A. 40:12A-6 and after completing the public hearing and deliberation, the Planning Board shall submit a recommendation to the Township Committee whether or not the Study Area, or any portion thereof, should be determined and designated to be an area in need of redevelopment.
3. In the event that the Property or any portion thereof shall be determined and designated to be an area in need of redevelopment, the Township of Neptune shall be authorized to use all powers, except for the power of eminent domain, provided by the Legislature of the State of New Jersey for use in such a redevelopment area in order to accomplish the goals of redevelopment.
4. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.

5. This Resolution shall be effective immediately upon adoption, according to law.

Property List (collectively referred to herein as the Study Area):

Block 1106, Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

I hereby certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at a Regular Meeting held on January 11, 2021.

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', is written over a horizontal line. The signature is stylized and somewhat cursive.

Richard J. Cuttrell, Municipal Clerk