**BOROUGH OF WATCHUNG**
**RESOLUTION NO. R9:09/03/15**

**RESOLUTION AUTHORIZING THE BOROUGH OF WATCHUNG PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, LOT 6.01 IN BLOCK 5701, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Redevelopment Law sets forth the procedures for a municipality to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined 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 is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; 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-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, "[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-Condemnation 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 "Condemnation Redevelopment Area");" and

**WHEREAS**, the Borough of Watchung Council finds it to be in the best interest of the Borough and its residents to authorize the Borough's Planning Board to undertake such preliminary

investigation of the study area, Lot 6.01 in Block 5701, as shown on the Borough of Watchung Tax Map ("Study Area") as a Non-Condemnation Redevelopment Area; and

**WHEREAS**, the Borough Council wishes to direct the Planning Board to undertake a preliminary investigation utilizing Maser Consulting, P.A., to prepare the preliminary investigation to determine whether the proposed Study Area, Lot 6.01 in Block 5701, qualifies as an area in need of Non-Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Watchung, in the County of Somerset, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Maser Consulting, P.A.,, to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1, et seq., as amended, in order to recommend to the Borough Council whether the area comprising the Study Area is an area in need of Non-Condemnation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a Non-Condemnation Redevelopment area other than the use of eminent domain.

**BE IT FURTHER RESOLVED** that the Planning Board shall submit its findings and recommendations to the Borough Council in the form of a Resolution with supporting documentation.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Planning Board.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

Council

Date: September 3, 2015
Index: Borough Properties,
Misc., Pl. Board
C: T. Schaefer
M. Shiffman

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 September 3, 2015.*

Michelle DeRocco

*Michelle DeRocco, RMC*