

O-17-11
03/15/17

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND AMENDING THE FORMER BEST FOODS SITE REDEVELOPMENT PLAN BLOCK 310, LOTS 1-3, BLOCK 311.01, LOT 1, BLOCK 333.01, LOTS 3-6, BLOCK 333.02, LOT 1, AND BLOCK 301.01, LOT 7 TO INCORPORATE THE PROPERTY LOCATED AT 16 BAYVIEW COURT AND 18-20 BAYVIEW COURT AND MORE SPECIFICALLY KNOWN AS BLOCK 333.01, LOTS 1 AND 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “**City**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council of the City (the “**Municipal Council**”) adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, on August 24, 2016, the Municipal Council by resolution authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the properties located as 16 Bayview Court and 18-20 Bayview Court in the City, which properties are identified as Block 333.01, Lots 1 and 2 as shown on the official Tax Map of the City (the “**Study Area**”) constituted a non-condemnation “area in need of redevelopment” according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, on November 10, 2016, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Area in Need of Redevelopment Preliminary Investigation 16 Bayview Court (Block 333.01 Lot 1) 18-20 Bayview Court (Block 333.01 Lot 2) prepared by the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services dated November 8, 2016 (the “**Study**”) and any persons interested in or affected by a determination that the Property is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, on November 10, 2016, the Planning Board by resolution recommended that the Study Area be determined by the Municipal Council to be a non-condemnation “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, the Study further recommended that the Study Area should be incorporated into the redevelopment plan entitled “Former Best Foods Site Redevelopment Plan Block 310,

Lots 1-3, Block 311.01, Lot 1, Block 333.01, Lots 3-6, Block 333.02, Lot 1, and Block 301.01, Lot 7” (the “**Redevelopment Plan**”), which was adopted by the Municipal Council on April 20, 2016, for certain properties in the City, designated as Block 301.01, Lot 7; Block 310, Lots 1-13; Block 311.01, Lot 1; Block 333.01, Lots 3-6; and Block 333.02, Lot 1 on the City’s Tax Maps; and

WHEREAS, the Municipal Council concurs and agrees with Planning Board’s recommendation, as supported by the reasons stated in the Study, that the Study Area constitutes and meets the criteria under the Redevelopment Law and that the Study Area should be determined and declared a non-condemnation “area in need of redevelopment”, which determination shall, among other things, authorize the City to use all of the powers provided by the Legislature for use in a redevelopment area, however, it shall not authorize the City to exercise the power of eminent domain to acquire all or any portion of such Property; and

WHEREAS, on December 14, 2016, the Municipal Council directed the Planning Board, to prepare and review an amended Redevelopment Plan for the Study Area and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, an amended Redevelopment Plan (the “**Amended Redevelopment Plan**”) dated January 25, 2017, has been prepared by the City Planning Department which incorporates the properties located at Block 333.01, Lots 1 and 2 to the Amended Redevelopment Plan; and

WHEREAS, the Municipal Council desires to adopt the Amended Redevelopment Plan in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Study Area; and

WHEREAS, upon review of the Planning Board’s Resolution and recommendations relating to the Amended Redevelopment Plan, the Municipal Council believes that the adoption of the Amended Redevelopment Plan is in the best interests of the City for the redevelopment of the Study Area.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Amended Redevelopment Plan is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law. Further, the Amended Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to the Property.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the “Study Area” per the boundaries described in the Redevelopment Plan and the provisions thereon.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Amended Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.