

P-19-023 Lillian

Agenda No. R-1

MUNICIPAL COUNCIL OF CITY OF BAYONNE

RESOLUTION NO.: 20-07-15-065

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING CERTAIN PROPERTY LOCATED AT 1099 TO 1105 AVE C AND 66-68 54TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 34 LOTS 26,27,28,29 AND 30, ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (DANOD)

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, *N.J.S.A. 40A:12A-6* authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the City Council by Resolution authorized the Planning Board ("Planning Board") of the City of Bayonne to conduct an investigation determine if certain property located at 1099 to 1105 Ave C and 66-68 54th Street which property is identified as Block 34, Lots 26, 27, 28, 29 and 30, as shown on the official Tax Map of the City (the "Study Area") constituted a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

WHEREAS, on February 11, 2020, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled "Non-Condensation Area in Need of Redevelopment Block 34, Lots 26, 27, 28, 29 & 30" (the "Study"); and

WHEREAS, any persons interested in or affected by a determination that the Study Area 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 February 11, 2020, the Planning Board adopted a resolution recommending that the Block 34, Lots 26, 27, 28, and 29 within 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 planning board did not recommend including Lot 30 in the Redevelopment Area; and

WHEREAS, upon consultation with the City Planner and the Property owner, the Council has determined that the inclusion of Lot 30 will enhance and benefit the redevelopment of the Study Area; and

WHEREAS, there is common ownership of all of the Lots contained in the Study Area and the owner has developed a plan that incorporates the best use of the properties; and

WHEREAS, the Municipal Council concurs and agrees with Planning Board's recommendations, 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 Study Area.

WHEREAS, the City is desirous of directing the Planning Board to prepare a redevelopment plan for the Study Area (the "**Redevelopment Plan**"); and

WHEREAS, the City believes that the Study Area is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the Municipal Council believes that the preparation of a Redevelopment Plan is in the best interests of the City for the redevelopment of the Study Area.

NOW THEREFORE, BE IT RESOLVED 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 Study Area located at 1099 to 1105 Ave C and 66-68 54th Street which property is identified as Block 34, Lots 26, 27, 28, 29 and 30, as shown on the official Tax Map of the City constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law according to the criteria set forth in *N.J.S.A.* 40A:12A-5.

Section 3. The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Study Area is designated a non-condemnation redevelopment area on the owners of such Study Area and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A.* 40A:12A-6.b(5).

Section 4. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare a Redevelopment Plan for the Study Area identified 1099 to 1105 Ave C and 66-68 54th Street which property is identified as Block 34, Lots 26, 27, 28, 29 and 30, on the official Tax Records of the City in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

Section 5. The Planning Board shall transmit the Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

Section 6. This Resolution shall take effect immediately.

A TRUE COPY

Madeline C. Medina
CITY CLERK

**RESOLUTION
CITY OF BAYONNE
PLANNING BOARD**

**RECOMMENDING ADOPTION OF THE NON-CONDEMNATION PRELIMINARY
INVESTIGATION REPORT AS AN AREA IN NEED OF REDEVELOPMENT
BLOCK 34, LOTS 26, 27, 28, 29 & 30**

WHEREAS, The City Council of the City of Bayonne adopted Resolution 19-05-15-043 that authorized the Planning Board of the City of Bayonne to conduct a study to determine whether Block 34, Lots 26, 27, 28, 29 & 30 is an area in need of Redevelopment without power of condemnation; and

WHEREAS, Block 34, Lots 26, 27, 28, 29 & 30, Study Area Non-Condemnation Redevelopment Study was presented to the Planning Board of the City of Bayonne at a regular meeting on February 11, 2020; and

WHEREAS, Block 34, Lots 26, 27, 28, 29 & 30 Study Area Non-Condemnation Redevelopment Study Report, required map and statement of intent have been on file with the City Clerk of the City of Bayonne as required by law; and

WHEREAS, the study was presented to the Planning Board at a regular meeting on February 11, 2020, at which time Malvika Apte, P.P., A.I.C.P., was sworn in and qualified as an expert in her field; she proceeded to present the contents of this Non-Condemnation Redevelopment Study Area Report and to respond to questions from the Board; and

WHEREAS, an opportunity was afforded to members of the public and/or interested persons or parties to be heard, ask questions and participate in the Board's consideration of the Study report; and

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Resolution

Non-Condemnation Area in Need of Redevelopment Study

1099 Avenue C; Block 34, Lot 26

1101 Avenue C; Block 34, Lot 227

1103-1105 Avenue C; Block 34, Lot 28

66 West 54th Street; Block 34, Lot 29

68 West 54th Street; Block 34, Lot 30

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WHEREAS, as a result of the Study report submitted, the testimony of Ms. Apte, and in due consideration thereof, the Planning Board has determined that it will recommend by way of this aforesaid Resolution, that the findings in the Study report be adopted and the property designated as a non-condemnation area in need of redevelopment; and

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Bayonne, County of Hudson, State of New Jersey that the Non-Condemnation Redevelopment Study of Block 34, Lots 26, 27, 28, 29 & 30, Redevelopment Study Area, as prepared by Malvika Ape, P.P., A.I.C.P., be endorsed and it is hereby recommended for consideration and adoption by the City Council, City of Bayonne for the property as set forth herein.

The undersigned secretary certifies that the within Resolution was approved by this Board on February 11, 2020, and adopted on February 11, 2020 and memorialized herein pursuant to N.J.S.A. 40:55 D-10(g).

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 Resolution
 Non-Condemnation Area in Need of Redevelopment Study
 1099 Avenue C; Block 34, Lot 26
 1101 Avenue C; Block 34, Lot 227
 1103-1105 Avenue C; Block 34, Lot 28
 66 West 54th Street; Block 34, Lot 29
 68 West 54th Street; Block 34, Lot 30

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RECORDED VOTE:

<u>Commissioner</u>	<u>Favorable</u>	<u>Unfavorable</u>	<u>Not Present</u>
Karen Fiermonte	[]	[]	[✓]
Maria L. Valado	[]	[]	[✓]
Terrence Malloy	[✓]	[]	[]
Sharon Nadrowski	[✓]	[]	[]
Mitesh Patel	[✓]	[]	[]
George Becker	[]	[]	[✓]
Michael Quintela	[✓]	[]	[]
Friday Mathews	[✓]	[]	[]
Mayor James Davis	[]	[]	[✓]
Ramon Veloz (Mayoral Designee)	[✓]	[]	[]

The above Resolution was adopted by the Planning Board of the City of Bayonne at a regular meeting held on February 11, 2020.



FRIDAY MATHEWS
 Acting Chairperson

RNC/lg