

**BOROUGH OF BERNARDSVILLE**

**RESOLUTION #22-185**

**RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY DESIGNATING CERTAIN PROPERTY IDENTIFIED AS BLOCK 125, LOTS 1, 2 AND 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE AS A NON- CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* (Palmer Property)**

**WHEREAS**, the Borough of Bernardsville, in the County of Somerset, New Jersey (the “Borough”), 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 Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; 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**, to make such a determination under the Redevelopment Law, the municipal governing body (the “**Borough Council**”) of the Borough, by way of a resolution adopted January 10, 2022 (Resolution #22-25), authorized and directed the Planning Board of the Borough (the “**Planning Board**”) to conduct a preliminary investigation, pursuant to *N.J.S.A. 40A:12A-6*, of the property identified on the Borough’s tax maps as Block 125, Lots 1, 2, and 3, more commonly known as 39 Olcott Square, 35 Olcott Square, and 5 Morristown Road (the “**Study Area**”), and to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, to be designated as an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, except for Eminent Domain (a “**Non-Condensation Redevelopment Area**”), pursuant to Sections 5 and 6 of the Redevelopment Law; and

**WHEREAS**, on July 14, 2022 the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Preliminary Investigation- Block 125 Lots 1, 2 and 3” dated April 21, 2022 prepared by Topology LLC, (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 July 28, 2022 the Planning Board further adopted a Resolution

recommending that the Study Area **NOT** be determined by the Borough Council to be a “**non-condemnation** area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.* as it relates to Block 125 Lots 1,2 and 3; and

**WHEREAS**, the Borough Council upon its own review and consideration of the Study, the testimony and opinion of the licensed planner and the record of the hearing disagrees with the Planning Board’s recommendation and finds 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 Borough to use all of the powers provided by the Legislature for use in a redevelopment area, except for the power of eminent domain; and

**WHEREAS**, the Borough Council specifically finds that the Study Area meets the criteria of subsection D *where Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community,* and;

**WHEREAS**, the Borough Council further finds that the Study Area meets the criteria of subsection H *where the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.*

**NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BERNARDSVILLE, NEW JERSEY AS FOLLOWS:**

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

**Section 2.** The property identified on the Borough’s tax maps as Block 125, Lots 1, 2, and 3, more commonly known as 39 Olcott Square, 35 Olcott Square, and 5 Morristown Road is hereby designated a **non- condemnation** “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 3.** The Borough Council hereby directs the Borough Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 125, Lots 1, 2 and 3, are 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.** This Resolution shall take effect immediately.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held September 12, 2022.

