

**BOROUGH OF EMERSON
 COUNTY OF BERGEN, NEW JERSEY
 RESOLUTION No: 112-17**

RE: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING THE AMENDED STUDY AREA PREVIOUSLY AUTHORIZED BY RESOLUTION OF THE BOROUGH COUNCIL FOR THE AREA TO BE STUDIED BY THE LAND USE BOARD TO RECOMMEND WHETHER THE AREA SHOULD BE DESIGNATED AS A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (“LRHL”) authorizes municipalities to determine whether certain parcels of land meet the statutory criteria to be designated an area “in need of redevelopment”; and

WHEREAS, on August 16, 2016, the Borough Council of the Borough of Emerson (“Borough Council”) adopted Resolution No. 221-16 authorizing and directing the Borough of Emerson Land Use Board (“Board”) to conduct an investigation to determine and recommend whether a previously designated area and certain additional properties on the Official Tax Assessment Map of the Borough of Emerson (“Study Area”), meets the statutory criteria to qualify and be designated as a condemnation area “in need of redevelopment” pursuant to the LRHL, the Study Area being comprised of the following parcels:

| Block | Lot(s) |
|--------|---|
| 412 | 1, 2, 3, 4 & 5 |
| 419 | 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10 |
| 420 | 2 & 16 |
| 422 | 1, 10, 11, 12, 13, 14, 15, 16, 17 & 18 |
| 603 | 2, 3, 4, 5 & 6 |
| 606 | 3 & 4 |
| 610 | 1, 2, 4, 5.01, 5.02, 6, 7, 8, 9.01, 9.02 & 10 |
| 613 | 1 & 2 |
| 615 | 1 |
| 616 | 1, 2, 16, 17, 19, 20, 21, 22, 23 & 24 |
| 617.01 | 1, 2.02, 8 & 9 |
| 213 | 1, 2, 3, 4, 5 & 6 |
| 214 | 1.02, 5.02, 6, 7, 8.01, 8.02, & 9 |
| 405 | 1, 2, 3.01, 3.02, 4, 12, 13 & 14 |

WHEREAS, on February 7, 2017, at the Borough Council’s regularly scheduled meeting Brigette Bogart PP, AICP, CGW of Planning & Design Professionals, LLC (“Planner Bogart”), presented and recommended that certain properties comprising the Study Area authorized by Resolution No. 221-16 should not be studied and should be removed from the previously designated redevelopment area upon Planner Bogart’s site inspections and review of the Borough’s tax records; and

WHEREAS, on February 21, 2017, the Borough Council adopted Resolution No. 93-17 amending its previous Resolution No. 221-16 and directing the Board to study only the following blocks and lots to recommend to the Borough Council whether or not the area meets the statutory criteria under the LRHL to be designated as a condemnation redevelopment area (“Amended Study Area”):

| Block | Lot(s) |
|--------|--|
| 412 | 3, 4 & 5 |
| 420 | 2 & 16 |
| 422 | 1, 10, 11, 12, 13, 14, 15, 16, 17 & 18 |
| 610 | 1 & 2 |
| 616 | 1, 2, 20, 21, 22, 23, 24 |
| 617.01 | 1, 2.02, 8 & 9 |
| 213 | 1, 2, 3, 4, 5 & 6 |
| 214 | 1.02, 5.02, 6, 7, 8.01, 8.02, 9 |
| 405 | 1, 2, 3.01, & 3.02 |

WHEREAS, on March 7, 2017, at the Borough Council’s regularly scheduled meeting, the Council moved to further reduce the number of properties to be studied in the Amended Study Area, and the properties to no longer be studied are as follows:

| Block | Lot(s) |
|--------|---------------------------------|
| 617.01 | 2.02, 8 & 9 |
| 213 | 1, 2, 3, 4, 5 & 6 |
| 214 | 1.02, 5.02, 6, 7, 8.01, 8.02, 9 |
| 405 | 1, 2, 3.01, & 3.02 |

WHEREAS, the Borough Council has determined to amend its previous Resolution No. 93-17 and direct the Board to study only the following blocks and lots to recommend to the Borough Council whether or not the area meets the statutory criteria under the LRHL to be designated as a condemnation redevelopment area (“Second Amended Study Area”):

| Block | Lot(s) |
|--------|--|
| 412 | 3, 4 & 5 |
| 420 | 2 & 16 |
| 422 | 1, 10, 11, 12, 13, 14, 15, 16, 17 & 18 |
| 610 | 1 & 2 |
| 616 | 1, 2, 20, 21, 22, 23, 24 |
| 617.01 | 1 |

WHEREAS, the Board is directed to continue to investigate the remaining properties in the Second Amended Study Area and in that regard will comply with all the requirements under the LRHL, including but not limited to, preparing a new map delineating the boundaries of the Study Area with a statement of basis for the investigation to be kept on file at the Borough Clerk's office in accordance with N.J.S.A. 40A:12A-6, and that prior to holding a hearing regarding the investigation of the Second Amended Study Area, the Board shall provide new notices to all of the property owners affected, in accordance with the provisions of the LRHL;

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Emerson hereby amends the authorization granted to the Board by way of Resolution No. 93-17, specifically to amend the properties to be studied by the Board pursuant to the LRHL; and

BE IT FURTHER RESOLVED, that the Borough Council hereby directs and authorizes the Borough of Emerson Land Use Board to continue to examine whether the Second Amended Study Area comprised of only the following blocks and lots on the official tax map of the Borough meet the statutory criteria to be deemed a condemnation "area in need of redevelopment" pursuant to the LRHL, N.J.S.A. 40A:12A-1 et seq., granting the Borough Council all powers authorized to it under the LRHL, including the power of eminent domain:

| Block | Lot(s) |
|--------|--|
| 412 | 3, 4 & 5 |
| 420 | 2 & 16 |
| 422 | 1, 10, 11, 12, 13, 14, 15, 16, 17 & 18 |
| 610 | 1 & 2 |
| 616 | 1, 2, 20, 21, 22, 23, 24 |
| 617.01 | 1 |


BE IT FURTHER RESOLVED, the Borough Council hereby directs the Board to continue its investigation of the Second Amended Study Area, and comply with all the requirements under the LRHL, including but not limited to, preparing a new map delineating the boundaries of the Second Amended Study Area with a statement of basis for the investigation to be kept on file at the Borough Clerk's office in accordance with N.J.S.A. 40A:12A-6, and shall provide notice to all of the property owners affected prior to holding a hearing regarding the investigation of the Second Amended Study Area, in accordance with the provisions of the LRHL; and

BE IT FURTHER RESOLVED, that any and all further studies shall be subject to and conditioned upon the CFO confirming the availability of funds to conduct such studies;

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

| COUNCIL | M O V E D | S E C O N D E D | A Y S | N A Y S | A B S E N T | A B S E N T |
|-------------|-----------------------|--------------------------------------|-------------|------------------|----------------------------|----------------------------|
| DiPaola | | | X | | | |
| Falotico | | | X | | | |
| Lazar | | X | X | | | |
| Knoller | | | X | | | |
| Downing | X | | X | | | |
| Worthington | | | X | | | |

I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on March 21, 2017.

Attest: 
Municipal Clerk