

RESOLUTION 2015-212

**RESOLUTION OF THE MUNICIPAL COUNCIL OF
THE BOROUGH OF SOUTH TOMS RIVER,
COUNTY OF OCEAN, NEW JERSEY
DESIGNATING THE PROPERTY COMMONLY
KNOWN ON THE BOROUGH TAX MAPS AS
BLOCK 20, LOTS 1.04 AND 1.05 AS AN 'AREA IN
NEED OF REDEVELOPMENT' PURSUANT TO
THE LOCAL REDEVELOPMENT AND HOUSING
LAW, N.J.S.A. 40A:12A-1, et seq.**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal council ("**Municipal Council**") of the Borough of South Toms River (the "**Borough**") must authorize the planning board of the Borough (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, on June 22, 2015, the Municipal Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known on the Borough tax maps as Block 20, Lots 1.04 and 1.05 (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment, which designation would authorize the Borough and Municipal Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

WHEREAS, on September 21, 2015, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and determined that the Study Area qualified as an area in need of redevelopment and recommended that the Municipal Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, the Municipal Council has determined that, based upon the recommendation of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, with such designation authorizing the Borough and Municipal Council to use all those powers provided by the

Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of South Toms River, in the County of Ocean, New Jersey, as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the Municipal Council.

Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment without the power of eminent domain, pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law (the "**Non-Condensation Redevelopment Area**").


Section 4. The Municipal Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6(b)(5) of the Redevelopment Law.

Section 5. The Municipal Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condensation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 6. This Resolution shall take effect immediately.

CERTIFICATION

I, Joseph Kostecki, Municipal Clerk of the Borough of South Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution which was adopted by the Municipal Council at a meeting held on the 28th day of September, 2015.



Joseph Kostecki, MPA, RMC, CMR
Municipal Clerk