

## RESOLUTION NO. 22-153

### **Resolution Concurring with The Township of Middletown Planning Board's Redevelopment Investigation Findings and Designating the Delineated Area of Block 1131, Lots 30-32, And Block 1086, Lots 29-30 As an Area in Need of Redevelopment for Non-Condensation Purposes**

**WHEREAS**, on February 7, 2022, by Resolution No. 22-75, the governing body, acting as the Township's Redevelopment Entity, authorized and requested the Township of Middletown Planning Board ("**Planning Board**") to undertake a preliminary investigation ("**Investigation**") to determine whether Block 1086, Lots 29 and 30; Block 1089, Lots 1 and 2; and Block 1131, Lots 30, 31, and 32 (the "**Area of Investigation**") qualify as an "area in need of redevelopment" according to the criteria set forth in the Local Redevelopment and Housing Law ("**LRHL**"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on May 4, 2022, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

**WHEREAS**, Francis Reiner, LLA, PP of DMR Architects publicly presented a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the designated Area of Investigation dated April 2022 ("**the Investigation Report**"), which is attached hereto and made part hereof as **Exhibit A**; and

**WHEREAS**, the Investigation Report determined that Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 within the Area of Investigation evidence conditions and characteristics that qualify these properties as an "area in need of redevelopment" because they satisfy the "b" statutory criterion in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Investigation Report determined that Block 1089, Lots 1 and 2 did not satisfy the redevelopment criteria pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Investigation Report demonstrates significant vacancies in the buildings within Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 for at least two consecutive years when compared to industry standards for vacant office space, which is demonstrated through the pictures, narrative, Township records and uncontested testimony of Mr. Reiner; and

**WHEREAS**, on May 4, 2022, the Planning Board held a properly-noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation; and

**WHEREAS**, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that the properties within the Area of Investigation constitute an area in need of redevelopment under N.J.S.A. 40A:12A-5 and/or N.J.S.A. 40A:12A-3; and

**WHEREAS**, on May 4, 2022, the Planning Board received uncontested testimony from Mr. Reiner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and findings contained in the Investigation Report; and

**WHEREAS**, on May 4, 2022, the Planning Board recommended that the Township Committee of the Township of Middletown designate Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 as a non-condemnation area in need of redevelopment due to the substantial evidence that they meet the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5(b).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby adopts the above recitals, findings of the Planning Board and the Investigation Report attached hereto as Exhibit A prepared by Francis Reiner, LLA, PP of DMR Architects, as if set forth fully herein, therefore, determining and hereby declaring that Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 are hereby determined to be an "Area in Need of Redevelopment" according to the criteria set forth under N.J.S.A. 40A:12A-5 for non-condemnation purposes.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated Area of Investigation as those names are listed within the official Tax Assessor's records within ten (10) days of the adoption hereof.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

**BE IT FURTHER RESOLVED** that that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Municipal Clerk.

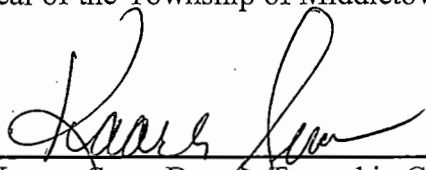
**MIDDLETOWN TOWNSHIP COMMITTEE**

Committee Member	Approved	Opposed	Recuse	Absent
R. Clarke	X			
R. Hibell	X			
K. Kratz	X			
K. Settembrino	X			
Mayor Perry	X			

**CERTIFICATION**

I, Kaaren Sena, Deputy Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held May 16, 2022.

WITNESS, my hand and the seal of the Township of Middletown this 16<sup>th</sup> day of May 2022.

  
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Kaaren Sena, Deputy Township Clerk