

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

RESOLUTION 2019-4-10

**RESOLUTION DECLARING AREA TO BE IN NEED OF
REDEVELOPMENT, INCLUDING “CONDEMNATION
AREA NEED OF REDEVELOPMENT”**

WHEREAS, by Resolution 2017-6-7, adopted June 14, 2017, the Township Committee of the Township of Mansfield directed the Mansfield Township Planning Board to undertake a Preliminary Investigation to determine whether certain areas were in need of condemnation redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, said properties included Block 30, Lots 9.02, 10, 11, 12 and 13.02; and

WHEREAS, at a public hearing conducted on September 25, 2017, the Mansfield Township Planning Board considered the referral from the Township Committee, and reviewed a certain report entitled “Preliminary Investigation for the Determination of an Area in Need of Condemnation Redevelopment: Block 30, Lots 9.02, 10, 11, 12 and 13.02” prepared by Environmental Resolutions, Inc., dated July 26, 2017; and

WHEREAS, said Report concluded at pp. 13-14 that: “The properties that meet the statutory requirements to be declared an Area in Need of Condemnation Redevelopment are described in Section VII and Table 3;” all of the properties identified in the referral from the Township Committee to the Planning Board set forth above are included in Section VII, Table 3 of the Report; and

WHEREAS, by Resolution 2017-09-13, adopted September 25, 2017, the Planning Board determined “That certain parcels in the Study Area do satisfy the criteria set forth in the Act, including N.J.S.A. 40A:12A-3 and N.J.S.A. 40A:12A-5, to be designated as an Area in Need of Condemnation Redevelopment”, and recommended that Block 30, Lots 9.02, 11, and 12 be considered “In Need of Condemnation Redevelopment”, but further recommended that Block 30, Lots 10 and 13.02 not be included as an Area in Need of Condemnation Redevelopment not because they did not meet the criteria, but because they were occupied; and

WHEREAS, the Minutes of the Planning Board’s public hearing of September 25, 2017 reflect that the Board felt that the entire area qualified as an Area in Need of Condemnation Redevelopment, but recommended removing the two (2) occupied homes at Lots 10 and 13.02 from the condemnation redevelopment designation, commenting that “it can always be revisited if there is developer interest” and further concluding that “the Committee can discuss and make changes they see fit”; and

WHEREAS, there is developer interest in redeveloping the entire area, and the fact that the properties were occupied does not change the fact that they satisfied the criteria

necessary, as the Board concluded, to declare both of those Lots as “In Need of Condemnation Redevelopment”; and

WHEREAS, there is developer interest in utilizing said properties, and the Township Committee, as reflected in N.J.S.A. 40A:12A-6(b)(5)(b) is not bound by that recommendation of the Planning Board and, instead, determines that there is substantial evidence to warrant the designation of the entire area as “In Need of Condemnation Redevelopment”; and

WHEREAS, N.J.S.A. 40A:12A-4 affords the governing body the exclusive authority to make the determination of whether or not a property qualifies as “In Need of Condemnation Redevelopment”, and the governing body hereby determines that the properties referred to the Planning Board do indeed meet that criteria.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey as follows:

1. Determination of Area in Need of Condemnation Redevelopment. Based upon the record created before the Planning Board in September 2017, including the aforementioned “Preliminary Investigation Report” prepared by Environmental Resolutions, Inc. dated July 26, 2017, and the exhibits attached thereto; as well as the testimony received by the Planning Board at the September 25, 2017 hearing; and based further upon the fact that the conditions which gave rise to the Planning Board’s determination in 2017 that the entire area qualified as an Area In Need of Redevelopment, and indeed its initial finding that the property was in need of “Condemnation Redevelopment”, but its reluctance to refer the two (2) occupied houses to the governing body for that designation, have not changed, it is evident that indeed that the factual findings remain valid, and serve as “substantial evidence” for the Township Committee’s determination that all of the parcels referred to the Planning Board for said consideration do indeed qualify as “Areas in Need of Condemnation Redevelopment.” The governing body therefore determines that the entire area is an Area in Need of Condemnation Redevelopment.
2. A copy of this Resolution shall be transmitted forthwith to the Commissioner of the Department of Community Affairs for review.
3. Notice of this determination shall also be served within ten (10) days following the adoption of this Resolution, upon all record owners of property located within the delineated area, whose names are listed on the Tax Assessor’s records, and upon each person who filed a written objection thereto, and stated, in or upon the written submission, an address to which the Notice of Determination may be sent.
4. The Notice to the property owners described in paragraph 3 above, shall indicate that:
 - a. The Determination operates as a finding of public purpose and authorizes the municipality to exercise the power of Eminent Domain to acquire property in the Redevelopment Area, and
 - b. Legal action to challenge the Determination must be commenced within forty-five (45) days of receipt of Notice, and that failure to do so, shall preclude an owner from later raising such a challenge.
 - c. The Notices described above to property owners shall be sent by regular and certified mail.

MOTION: CAIN SECOND: DIGIUSEPPE

ROLL CALL VOTE

AYES: CAIN, DIGIUSEPPE, MAGEE

NAYS: ABSTAIN: GABLE, HIGGINS ABSENT:

CERTIFICATION

I, **LINDA SEMUS, RMC, CMR, Municipal Clerk** of the Township of Mansfield, County of Burlington, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at a meeting held on April 17, 2019 at the Mansfield Municipal Complex at 7:00 PM.

**LINDA SEMUS, RMC, CMR
Municipal Clerk**

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