

**RESOLUTION OF THE BOROUGH OF WHARTON, IN THE COUNTY OF MORRIS,
NEW JERSEY, AUTHORIZING THE BOROUGH PLANNING BOARD TO
UNDERTAKE AN INVESTIGATION TO DETERMINE WHETHER ALL OR A
PORTION OF CERTAIN PROPERTIES IDENTIFIED ON THE TAX MAPS OF THE
BOROUGH AS BLOCK 1317, LOTS 1 THROUGH 22 CONSTITUTES A NON-
CONDEMNATION REDEVELOPMENT AREA**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”), authorizes municipalities to determine whether certain property in the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “Borough Council”) of the Borough of Wharton (the “Borough”), must first authorize the Wharton Planning Board (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough that an investigation occur with respect to certain parcels within the Borough and therefore authorizes and directs the Planning Board to conduct an investigation of the properties identified on the tax maps of the Borough as Block 1317, Lots 1 through 22, along with all streets and rights of way appurtenant thereto (collectively, the “Study Area”), and to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*, and whether all or a portion of said Study Area should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder would authorize the Borough and the Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, excluding the power of eminent domain, and any redevelopment area so designated shall be referred to as a “Non-Condemnation Redevelopment Area,” pursuant to *N.J.S.A. 40A:12A-6*.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WHARTON, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

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

Section 2 The Planning Board is hereby authorized and directed to conduct an investigation, pursuant to *N.J.S.A. 40A:12A-6*, to determine whether all or a portion of the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5*, and whether said Study Area should be designated a “Non-Condemnation Redevelopment Area.”

Section 3 As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4 The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area shall be an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination does not authorize the Borough and the Borough Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

Section 5 At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and shall be made part of the public record.

Section 6 After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the proposed designation are received and considered, the Planning Board shall make a recommendation to the Borough Council as to whether the Borough Council should designate all or a portion of the Study Area as a Non-Condensation Redevelopment Area.

Section 7 This Resolution shall take effect immediately.

Adopted: March 12, 2018

BOROUGH OF WHARTON

ATTEST:

**WILLIAM J. CHEGWIDDEN,
MAYOR**

**Gabrielle Evangelista
Borough Clerk**