

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

RESOLUTION 2016-109

**RESOLUTION DIRECTING THE FRANKLIN BOROUGH PLANNING BOARD
TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER
THE GROUP OF PROPERTIES CONSISTING OF BLOCK 57, LOTS 18, 19, 40, 39,
38, 37, 36, 35, 34, 33, 32, 31, 30, 29 and 28, Block 69 Lot 1, Block 67 Lots 3 and 2.
(AS FORMERLY DESIGNATED ON THE BOROUGH'S TAX MAPS), OR PORTION
THEREOF, IS AN AREA IN NEED OF REDEVELOPMENT WITH THE POWERS OF
EMINENT DOMAIN (A "CONDEMNATION REDEVELOPMENT AREA")**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(a), as amended (the "LRHL"), the governing body of the Borough of Franklin (the "Borough") is empowered to request the Planning Board to conduct a preliminary investigation of any lands proposed to be included in a redevelopment area; and

WHEREAS, the following properties lie within an area of the Borough that was previously recommended by the Planning Board, in 2013, to be an area in need of redevelopment: Block 57, Lots 18, 19, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29 and 28, Block 69 Lot 1, Block 67 Lot 3 and 2. (the "2013 Study Properties"); and

WHEREAS, the Borough tax maps have been updated, the current block and lots numbers for the recommended properties are as follows:


Former Blocks & Lots	Property address	New Block and Lot #
Bl. 57, L 18	21 Hospital Rd.	Bl. 1504 Lot 44
Bl. 57, L 19	19 Hospital Rd.	Bl. 1504 Lot 13
Bl. 57, L 40	135 S. Rutherford Ave.	Bl. 1504 Lot 24
Bl. 57, L 39	131 S. Rutherford Ave.	Bl. 1504 Lot 25
Bl. 57, L 38	129 S. Rutherford Ave.	Bl. 1504 Lot 26
Bl. 57, L 37	127 S. Rutherford Ave.	Bl. 1504 Lot 27
Bl. 57, L 36	125 S. Rutherford Ave.	Bl. 1504 Lot 28
Bl. 57, L 35	123 S. Rutherford Ave.	Bl. 1504 Lot 29
Bl. 57, L 34	121 S. Rutherford Ave.	Bl. 1504 Lot 30
Bl. 57, L 33	117 S. Rutherford Ave.	Bl. 1504 Lot 31
Bl. 57, L 32	109 S. Rutherford Ave.	Bl. 1504 Lot 33
Bl. 57, L 31	8 Franklin Ave.	Bl. 1504 Lot 32
Bl. 57, L 30	10 Franklin Ave.	Bl. 1504 Lot 34
Bl. 57, L 29	12 Franklin Ave.	Bl. 1504 Lot 35
Bl. 57, L 28	14 Franklin Ave.	Bl. 1504 Lot 36
Bl. 69, L 1	4 Franklin Ave.	Bl. 1506 Lot 1
Bl. 67, L 3	101 Rt. 23	Bl. 1505 Lot 3
Bl. 67, L 2	107-109 Rt. 23	Bl. 1505 Lot 2

WHEREAS, the Council did not take action on the prior recommendation of the Planning Board and wishes the Planning Board to re-examine the 2013 Study Properties to determine whether the 2013 Study Properties continue to be an area in need of redevelopment, with the Borough having the power of eminent domain as provided in the LRHL (a "Condemnation Redevelopment Area"); and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Franklin that:

1. Pursuant to N.J.S.A. 40A:12A-6(a), the Franklin Borough Planning Board is hereby directed to conduct a preliminary investigation of the 2013 Study Properties, consisting of Block 57, Lots 18, 19, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29 and 28, Block 69 Lot 1, and Block 67 Lots 3 and 2, (which lot and block numbers shall be updated to reflect the current lot and block designations of such properties on the Borough's tax maps), to determine whether this area or portion thereof may be determined to be a Condemnation Redevelopment Area according to the to the criteria set forth in the LRHL.
2. If the 2013 Study Properties or portion thereof is designated a Condemnation Redevelopment Area, the Borough shall be authorized to use all those powers provided by law for use in a redevelopment area, including the power of eminent domain to acquire property within the Condemnation Redevelopment Area.
3. The Planning Board is hereby directed to make its determination after giving public notice as prescribed by law and conducting a public hearing as provided in N.J.S.A. 40A:12A-6(b).
4. The public notice shall comply with the requirements of N.J.S.A. 40A:12A-6(b)(2) and (3); and the hearing procedures shall comply with the requirements of N.J.S.A. 40A:12A-6(b)(4). Without limitation of the generality of the foregoing, the notice of the hearing shall specifically state that a redevelopment area determination shall authorize the Borough to exercise the power of eminent domain to acquire property in the Condemnation Redevelopment Area.
5. Before the public hearing, the Planning Board shall prepare a map showing the boundaries of the proposed Condemnation Redevelopment Area and the location of the various parcels of property included therein. A statement setting forth the basis of the investigation shall be appended to the map.
6. After completing the public hearing, the Planning Board shall transmit to the Council its recommendation as to whether the 2013 Study Properties or portion thereof should be determined to be a Condemnation Redevelopment Area.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of the Resolution 2016-109 adopted by the Council of the Borough of Franklin in the County of Sussex, New Jersey, at a meeting held on December 13, 2016.



 Robin Hough, Borough Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
ROBERT DABINETT	x			
DAWN FANTASIA	x			
JOSEPH LIMON	x			
MICHAEL RATHBUN	x			
STEPHEN SKELLENGER	x			
GILBERT SNYDER	x			
MAYOR GIORDANO (Tie Only)				