

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

RESOLUTION # 2017-17

**RESOLUTION DETERMINING THAT THE GROUP OF PROPERTIES CONSISTING
OF BLOCK 601, LOTS 1, 2, 3, 5, AND 6, AND BLOCK 904, LOT 1 IS AN AREA IN
NEED OF REDEVELOPMENT WITH THE POWERS OF EMINENT DOMAIN
(A "CONDEMNATION REDEVELOPMENT AREA")
AND
DESIGNATING THE PORTION OF MAIN STREET FROM THE MUNICIPAL
BUILDING TO HUDSON STREET ("STUDY AREA B") AS IN NEED OF
REHABILITATION**

WHEREAS, on October 11, 2016, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(a), the governing body of the Borough of Franklin (the "Borough") adopted Resolution 2016-87 requesting the Franklin Borough Planning Board to conduct a preliminary investigation of Block 601, Lots 1, 2, 3, 5, and 6; Block 605, Lots 2, 3, 5 and 16; and Block 904, Lot 1 (hereinafter, "Study Area A") located in Franklin Borough, Sussex County, New Jersey, to determine whether this area or portion thereof may be determined to be a condemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5 and applicable law; and

WHEREAS, the Planning Board has conducted a preliminary investigation of Study Area A in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether Study Area A is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board caused notice of the public hearing on whether these properties were an "area in need of redevelopment" to be published in The New Jersey Herald and caused a copy of the notice to be mailed, via certified mail, at least 10 days before the date set for the hearing to the last owners of the properties within Study Area A according to the assessment records of the Borough; and

WHEREAS, on November 21, 2016, the Planning Board conducted a public hearing pursuant to N.J.S.A. 40A:12A-6(b) during which it considered a report from Kenneth P. Nelson, PP, of The Nelson Consulting Group entitled "A Preliminary Investigation Regarding the Designation of a Proposed Area in Need of Redevelopment known as Area A (Zinc Mine and Related Properties)" dated January 9, 2012, and revised through August 30, 2016, the testimony of Mr. Nelson and comments from other Board professionals, and comments and testimony of members of the public in attendance at the hearing; and

WHEREAS, after considering said report, comments and testimony, the Planning Board made certain findings as set forth in its Resolution adopted on December 19, 2016 and recommended to the governing body of the Borough that Block 601, Lots 1, 2, 3, 5, and 6 and Block 904, Lot 1 within Study Area A be determined to be an area in need of

redevelopment pursuant to N.J.S.A. 40A:12A-5 and be designated a "Condemnation Redevelopment Area"; and

WHEREAS, the Planning Board concluded that that the following Study Area A properties are not needed to effectuate the redevelopment of Study Area A and should not be included within the redevelopment area: Block 605, Lots 2, 3, 5 and 16; and

WHEREAS, pursuant to a prior request of the governing body, the Planning Board also considered at the public hearing held on November 21, 2016 a proposal to designate a portion of Main Street from the Municipal Building to Hudson Street ("Study Area B") as an area in need of rehabilitation, in accordance with N.J.S.A. 40A-12A-14, as described in a report of The Nelson Consulting Group, dated January 9, 2012, revised through August 30, 2016, entitled "A Recommendation Regarding The Designation of a Proposed Area In Need of Rehabilitation Known As Area B"; and

WHEREAS, based on its review of Mr. Nelson's recommendations, the comments of the Board professionals, the testimony and discussions elicited during the public hearing, and the Board members' knowledge of the properties and structures contained within Study Area B, the Planning Board concluded that the prevailing conditions within Study Area B meet the statutory criteria for designation as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, the governing body of the Borough has reviewed and considered the Planning Board's findings and recommendations set forth in its Resolution;

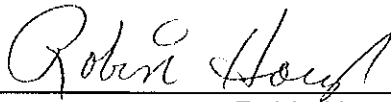
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Franklin that:

1. Block 601, Lots 1, 2, 3, 5, and 6 and Block 904, Lot 1 located in Franklin Borough, Sussex County, New Jersey (hereinafter, the "Delineated Area") be and are hereby determined to be an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1, et seq. and designated a "Condemnation Redevelopment Area;" and, as such, 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.
2. The Borough Clerk shall forthwith transmit a copy of this resolution to the Commissioner of Community Affairs for review in accordance with NJSA 40A:12A-6(c).
3. The Borough Clerk shall cause notice of this determination to be served, within 10 days after the adoption of this resolution, upon all record owners of properties located within the Delineated Area, those 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 notice of determination may be sent. The notice shall include a statement (i) that this determination operates as a finding of public purpose and authorizes the Borough to exercise the power of eminent domain to acquire property in the redevelopment area; and (ii) that legal action to challenge the

redevelopment determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.

4. The portion of Main Street from the Municipal Building to Hudson Street ("Study Area B") as described in the report of The Nelson Consulting Group entitled "A Recommendation Regarding The Designation of a Proposed Area In Need of Rehabilitation Known As Area B" is hereby determined to be an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14.

5. This Resolution shall take effect immediately.



Robin Hough, Borough Clerk

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Council of the Borough of Franklin in the County of Sussex, New Jersey, at a meeting held on January 24, 2017.



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)				