

**RESOLUTION NO. 7-24-180
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX**

RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF BLOCK 2201, LOTS 6, 7, 9, 10, 46, 47, AND 48 CONSTITUTE AN AREA IN NEED OF REDEVELOPMENT WITH POWERS OF EMINENT DOMAIN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*, AND AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LOONEY RICKS KISS TO CONDUCT THE AREA IN NEED OF REDEVELOPMENT STUDY

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6(a)*, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the Borough Council (the “**Council**”) of the Borough of Highland Park (the “**Borough**”) must authorize the Borough Planning Board (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Council; and

WHEREAS, the 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 located on Block 2201, Lots 6, 7, 9, 10, 46, 47, and 48 (the “**Condemnation Study Area**”) to determine whether all or a portion of the Condemnation Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-3* or *5*, and whether the Condemnation Study Area should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder, in connection with the Condemnation Study Area, authorizes the Borough and Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain pursuant to *N.J.S.A. 40A:12A-8(c)* (as designated, a “**Condemnation Redevelopment Area**”); and

WHEREAS, the Council has determined that it is in the best interests of the Borough to direct the Planning Board to undertake a preliminary investigation of the Study Area pursuant to the procedures of the Redevelopment Law, and to provide its recommendations to the Council; and

WHEREAS, LRK, Inc. (“**LRK**”) provided the Borough with a proposal, attached hereto as Exhibit A, (the “**Area in Need Study Proposal**”) setting forth the manner and costs of preparation of an area in need study for the Condemnation Study Area; and

WHEREAS, the Borough wishes to enter into an agreement with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion the

area in need study for the Condemnation Study Area, whichever is earlier, and for a contract amount not to exceed \$15,000.00 to be paid in accordance with the rates set forth in the Area in Need Study Proposal; and

WHEREAS, the Borough hereby certifies that it has funds available to compensate LRK for the preparation of an area in need study in Account No. C-04-55-809-001 for an amount not to exceed \$15,000.00, as reflected by the certification of funds by the Chief Financial Officer, no. 2024-61; and

WHEREAS, said services are of a professional nature as to come within the purview of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as being contracts for rendition of professional services that do not require competitive bidding; and

WHEREAS, notice of the award of these contracts shall be published in a newspaper of general circulation in accordance with N.J.S.A. 40A:11-5(1)(a)(i).

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, 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 the Condemnation Study Area satisfies the criteria set forth in *N.J.S.A.* 40A:12A-5 to be designated as a Condemnation Redevelopment Area.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Condemnation 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, specifically *N.J.S.A.* 40A:12A-6, after giving due notice of (i) the proposed boundaries of the Condemnation Study Area and stating that a map has been prepared and can be inspected at the Borough clerk's office and (ii) the date of the hearing to any persons who are interested in or would be affected by a determination that the Condemnation Study Area is Condemnation Redevelopment Area. The notice of the hearing shall specifically state that the Condemnation Redevelopment Area determination shall authorize the Borough and the Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Condemnation Study Area is being investigated as a Condemnation 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 Condemnation Study Area is a Condemnation Redevelopment Area. All objections to a determination that the Condemnation Study Area is a Condemnation Redevelopment Area and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

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

Section 7. The designation of all or some of the Condemnation Study Area as a Condemnation Redevelopment Area, if such designation is made, shall authorize the Borough and Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

Section 8. The Borough Council hereby authorizes a professional services contract with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of the area in need study for the Condemnation Study Area, whichever is earlier, and for a contract amount not to exceed \$15,000.00, to be paid in accordance with the rates set forth in the Area in Need Study Proposal, all subject to the terms and conditions of the Borough’s form professional services agreement.

Section 9. The Mayor is hereby authorized and directed to execute professional services contracts in the form of the Area in Need Study Proposal attached hereto as Exhibit A, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough’s counsel and professionals.

Section 10. The Borough Clerk is hereby authorized and directed, upon execution of the Area in Need Study Proposal and Redevelopment Plan Proposal in accordance with Section 4 hereof, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Borough upon such documents.

Section 11. This Resolution shall take effect immediately.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of the Borough of Highland Park at a meeting held on July 16, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
George				
Hale				
Hersh				
Kim-Chohan				
Postelnik				

Exhibit A

Area in Need Study Proposal