

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX**

RESOLUTION #2017- 39

**RESOLUTION DETERMINING THAT BLOCK 1504, LOTS 13 AND 44
COMPRISE AN AREA IN NEED OF REDEVELOPMENT
WITH THE POWERS OF EMINENT DOMAIN
(A "CONDEMNATION REDEVELOPMENT AREA")**

WHEREAS, on December 13, 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 2016-109 requesting the Franklin Borough Planning Board to conduct a preliminary investigation of various properties located in Franklin Borough, Sussex County, New Jersey, to determine whether those properties or any 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 said properties included Block 1504, Lots 13 and 44, the site of the former Franklin Hospital (the "Study Area"); and

WHEREAS, the Planning Board has conducted a preliminary investigation of the Study Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area 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 the Study Area 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 the Study Area according to the assessment records of the Borough; and

WHEREAS, on March 20, 2017, 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 dated February 28, 2017 and entitled "A Preliminary Investigation Report Regarding The Designation Of A Proposed 'Condemnation Area In Need Of Redevelopment' Known As The Former Franklin Hospital Site, Block 1504 Lots 13 And 44" (the "Redevelopment Area Study");

WHEREAS, after considering said report, comments and testimony, the Planning Board made certain findings as set forth in its Resolution adopted on April 17, 2017 and recommended to the governing body of the Borough that the Study Area properties, namely Block 1504, Lots 13 and 44, 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 governing body of the Borough has reviewed and considered the Planning Board's findings and recommendations set forth in its Resolution;

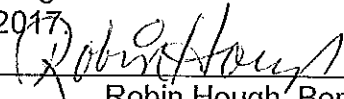
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Franklin that:

1. Block 1504, Lots 13 and 44 located in Franklin Borough, Sussex County, New Jersey 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 the record owners of Block 1504, Lots 13 and 44, 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. 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 April 25, 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)				