

RESOLUTION NO. 24-\_\_\_\_

TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH

RESOLUTION CONCURRING WITH THE TOWNSHIP OF  
MIDDLETOWN PLANNING BOARD'S REDEVELOPMENT  
INVESTIGATION FINDINGS AND DESIGNATING THE  
DELINEATED AREA OF BLOCK 825, LOT 55.01  
(COMMERCIAL TRACT OF THE CIRCUS LIQUORS  
REDEVELOPMENT PLAN AREA) AS AN AREA IN NEED  
OF REDEVELOPMENT FOR CONDEMNATION  
PURPOSES

**WHEREAS**, on September 18, 2017, by Resolution No. 17-239, the governing body of the Township of Middletown (the "**Township**"), acting as the Township's Redevelopment Entity, authorized and requested the Township's Planning Board (the "**Planning Board**") to undertake a preliminary investigation ("**Investigation**") to determine whether Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81; Block 638, Lot 31.01; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 (the "**Area of Investigation**") qualify as an "area in need of redevelopment" for non-condemnation purposes according to the criteria set forth in the Local Redevelopment and Housing Law ("**LRHL**"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, Francis Reiner, LLA, PP of DMR Architects publicly presented a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the designated Area of Investigation dated December 2017 (the "**Investigation Report**"); and

**WHEREAS**, the Investigation Report determined that much of the Area of Investigation, including properties now consisting of Block 825, Lot 55.01, evidence conditions and characteristics that qualify the Area of Investigation as an "area in need of redevelopment" because it collectively satisfies the criteria of the LRHL under N.J.S.A. 40A-12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on December 6, 2017, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation; and

**WHEREAS**, on December 6, 2017, the Planning Board received uncontested testimony from Mr. Reiner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the

properties within the Area of Investigation, which confirmed the description of the conditions and findings contained in the Investigation Report; and

**WHEREAS**, on December 6, 2017, the Planning Board recommended that the Township designate portions of the Area of Investigation, including properties now consisting of Block 825, Lot 55.01, as a non-condemnation area in need of redevelopment due to the substantial evidence that they meet the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on December 18, 2017, the Township adopted Resolution No. 17-294 accepting the Planning Board's recommendation adopting the findings of the Investigation Study and declaring that the Area of Investigation qualifies as an area in need of redevelopment for non-condemnation purposes based on the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on August 20, 2018, pursuant to Ordinance No. 2018-3232, the Township adopted the Circus Liquors Redevelopment Plan (the "**Redevelopment Plan**") dated July 2018 consisting of Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81; and Block 870, Lots 1 and 2; and

**WHEREAS**, on January 9, 2019, pursuant to Resolution No. 2018-105, the Planning Board granted minor subdivision approval resulting in the establishment of Block 825, Lots 53.02, 53.03 and 55.01 within the Redevelopment Plan area on the Township's official tax map; and

**WHEREAS**, in accordance with the Redevelopment Plan, site plan approval was granted by the Planning Board for inclusionary affordable residential development upon Block 825, Lots 53.02 and 53.03; and

**WHEREAS**, the withdrawal of the redeveloper of the Commercial Tract consisting of Block 825, Lot 55.01 in the middle of the COVID-19 pandemic, and the lack of action by the property owner since that time, led the Township to desire to investigate whether Block 825, Lot 55.01 qualifies as an "area in need of redevelopment" for condemnation purposes to advance the redevelopment of the property pursuant to the Redevelopment Plan; and

**WHEREAS**, on August 21, 2023, by Resolution No. 23-228, the Township authorized and requested the Planning Board to undertake another Investigation Study to determine whether Block 825, Lot 55.01 qualifies as an "area in need of redevelopment" for condemnation

purposes according to the criteria set forth in the LRHL, specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on September 18, 2023, pursuant to Ordinance No. 2023-3390, the Township adopted various amendments to the Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on February 7, 2024, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that Block 825, Lot 55.01 is an area in need of redevelopment as that term is defined under the LRHL for condemnation purposes; and

**WHEREAS**, Francis Reiner, LLA, PP of DMR Architects publicly presented a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment” for Block 825, Lot 55.01 dated January 2024 (the “**Condemnation Investigation Report**”), which is attached hereto and made part hereof as **Exhibit A**; and

**WHEREAS**, the Condemnation Investigation Report determined that Block 825, Lot 55.01 evidences conditions and characteristics that qualify it as an “area in need of redevelopment” because it satisfies the “a” and “d” statutory criteria in N.J.S.A. 40A-12A-5; and

**WHEREAS**, regarding criterion “a”, Block 825, Lot 55.01 includes five single family homes, of which four appear to be abandoned and vacant, with three in a state of complete disrepair, reflecting substandard, unsafe, unsanitary and dilapidated conditions such as collapsing structures as well as broken, damaged, rotting, cracked components, that are conducive to unwholesome living or working conditions, as detailed in the Condemnation Investigation Report; and

**WHEREAS**, also regarding criterion “a”, the former commercial properties within Block 825, Lot 55.01 reflect a history of police incidents and lack access management, signage and striping for parking areas; lack site lighting, visible storm water management, and ADA compliance issues; include lengthy driveway openings without directional signage; and the conditions of the buildings are dilapidated and unsafe and portions are falling down in areas of pedestrian activity, as detailed in the Condemnation Investigation Report; and

**WHEREAS**, regarding criterion “d”, Block 825, Lot 55.01 includes five single family homes, of which four appear to be abandoned and vacant, with three in a state of complete disrepair, which reflect

“dilapidation” that is detrimental to safety, health, and the general welfare of the community, as detailed in the Condemnation Investigation Report; and

**WHEREAS**, also regarding criterion “d”, the site conditions on the former commercial properties within Block 825, Lot 55.01 reflect excessive pavement with a lack of vehicular access management, directional signage and striping in the parking areas causing confusion for vehicles and pedestrians; no visible stormwater management facilities forcing water and sediment into the Route 35 right of way and exacerbating flooding during peak rain events causing dangerous conditions; a lack of lighting in parking areas creating unsafe conditions by limiting visibility; poor condition of the parking lot; and no sidewalks or defined pedestrian pathways, as detailed in the Condemnation Investigation Report; and

**WHEREAS**, on February 7, 2024, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning Block 825, Lot 55.01; and

**WHEREAS**, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that Block 825, Lot 55.01 constitutes an area in need of redevelopment for condemnation purposes under N.J.S.A. 40A:12A-5; and

**WHEREAS**, on February 7, 2024, the Planning Board received testimony from Mr. Reiner, providing a first-hand account of the conditions that he observed during his exhaustive examination of Block 825, Lot 55.01, which confirmed the description of the conditions and findings contained in the Condemnation Investigation Report; and

**WHEREAS**, on February 7, 2024, the Planning Board recommended that the Township designate Block 825, Lot 55.01 as a condemnation area in need of redevelopment due to the substantial evidence that it meets the criteria enumerated in the Condemnation Investigation Report, pursuant to N.J.S.A. 40A:12A-5(a) and (d).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby adopts the above recitals, findings of the Planning Board and the Condemnation Investigation Report attached hereto as **Exhibit A** prepared by Francis Reiner, LLA, PP of DMR Architects, as if set forth fully herein, therefore, determining and hereby declaring that Block 825, Lot 55.01 is hereby determined to be an “Area in Need of Redevelopment” according to the criteria set forth under N.J.S.A. 40A:12A-5 for condemnation purposes.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of Block 825, Lot 55.01 as those names are listed within the official Tax Assessor's records within 10 days of the adoption hereof.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

**BE IT FURTHER RESOLVED** that that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Municipal Clerk.