

**ORDINANCE NO. 2023-3364**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**Ordinance Adopting The 100 Schultz Drive Redevelopment Plan Within The Exit 109 Redevelopment Plan Area Consisting Of Block 1086, Lot 30**

**WHEREAS**, on February 7, 2002, the governing body of the Township of Middletown (the "**Township**"), acting as the Township's Redevelopment Entity, adopted Resolution No. 22-75, authorizing its professional redeveloper planner, DMR Architects ("**DMR**"), to commence a redevelopment investigation within the delineated area of Block 1131, Lots 30-32, Block 1086, Lots 29-30, Block 1089, Lots 1-2 (the "**Area of Investigation**") to determine if the area qualifies as an area in need of redevelopment for non-condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on May 4, 2022, the Planning Board conducted a properly noticed public hearing at which DMR presented an April 2022 report entitled "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the Area of Investigation (the "**Investigation Study**"), determining that Block 1086, Lots 29-30, and Block 1131, Lots 30-32 within the Area of Investigation meet the statutory criteria to be designated as an Area in Need of Redevelopment for non-condemnation purposes; and

**WHEREAS**, the Planning Board concurred with the findings of the Investigation Study, recommending that Block 1086, Lots 29-30, and Block 1131, Lots 30-32 be designated in need of redevelopment for non-condemnation purposes; and

**WHEREAS**, on May 16, 2022, the governing body of the Township adopted Resolution No. 22-153 accepting the Planning Board's recommendation adopting the findings of the Investigation Study and declaring that Block 1086, Lots 29-30, and Block 1131, Lots 30-32 (the "**Exit 109 Redevelopment Plan Area**") be designated 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**, redevelopment plans must be undertaken by ordinance pursuant to N.J.S.A. 40A:12A-7, and said plans must include an outline for the planning, development, redevelopment or rehabilitation of the identified project area; and

**WHEREAS**, the Township's professional redevelopment planner, DMR, has prepared a Redevelopment Plan entitled the "100 Schultz Drive Redevelopment Plan" dated January 2023 including Block 1086, Lot 30 within the Exit 109 Redevelopment Plan Area; and

**WHEREAS**, the Township's governing body wishes to adopt the 100 Schultz Drive Redevelopment Plan consisting of Block 1086, Lot 30 within the Exit 109 Redevelopment Plan Area.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

**SECTION 1. 100 Schultz Drive Redevelopment Plan.** The 100 Schultz Drive Redevelopment Plan dated January 2023 prepared by DMR, attached hereto and made part hereof as **Exhibit A** is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., shall supersede the current zoning applied to Block 1086, Lot 30, and be enacted as an amendment to the Township's Zoning Map.

**SECTION 2. Severability.** If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

**SECTION 3. Repealer.** All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

**SECTION 4. Effective Date.** This ordinance shall take effect immediately after final adoption and approval pursuant to law.