

**RESOLUTION NO. 23-**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION DESIGNATING B. DUVA DEVELOPMENT, LLC AS THE REDEVELOPER  
OF THE COMMERCIAL TRACT (BLOCK 825, LOT 55.01) OF THE CIRCUS LIQUORS  
REDEVELOPMENT PLAN AREA WITHIN THE TOWNSHIP OF MIDDLETOWN**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq., as amended and supplemented (“LRHL”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private Redeveloper; and

**WHEREAS**, the Township Committee serves as an instrumentality and agency of the Township of Middletown (the “Township”) pursuant to the LRHL for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the Township (the “Redevelopment Entity”); and

**WHEREAS**, N.J.S.A. 40A:12A-8 authorizes the Township to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area in need of redevelopment; and

**WHEREAS**, pursuant to Resolution No. 17-205 adopted on July 17, 2017 and Resolution No. 17-239 adopted on September 18, 2017, the Township authorized and requested that the Planning Board undertake a preliminary investigation (the “Investigation”) to determine whether Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81; Block 825, Lot 70; Block 605, Lot 64; Block 638, Lot 31.01; Block 825, Lot 58; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 (the “Area of Investigation”) constitutes an “area in need of redevelopment” for non-condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on December 6, 2017, a hearing would be held for the purpose of hearing all persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an “area in need of redevelopment” as that term is defined under the LRHL; and

**WHEREAS**, DMR Architects (“DMR”) prepared a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment” (the

**“Investigation Report”**) for the Area of Investigation that was publicly presented after adequate notice before the Planning Board on December 6, 2017; and

**WHEREAS**, the Investigation Report determined that 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 870, Lots 1 and 2, and Block 871, Lot 7.02 evidenced conditions and characteristics that qualify for designation as an “area in need of redevelopment” because they collectively satisfy the applicable criteria of the LRHL under N.J.S.A. 40A:12A-5 and -3; and

**WHEREAS**, the Planning Board hearing was opened to the public on December 6, 2017 for the purpose of hearing all persons who are interested in or would be affected by a determination that all or a part of the Area of Investigation is a redevelopment area; and

**WHEREAS**, on December 6, 2017, the Planning Board received direct testimony from Fran Reiner, L.L.A., P.P. of DMR, and Mr. Reiner provided an eye witness account of the conditions that he observed during his exhaustive investigation of the properties within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

**WHEREAS**, after completing its hearing and investigation of this matter on December 6, 2017, the Planning Board determined to recommend that the Township designate the above-cited portions of the Area of Investigation as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that these parcels within the Area of Investigation 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**, pursuant to Resolution No. 17-294, on December 18, 2017, the Township adopted a resolution concurring with the Planning Board’s findings and designated the above-cited portions of the Area of Investigation as an “area in need of redevelopment” pursuant to the LRHL; and

**WHEREAS**, on August 21, 2018, pursuant to Ordinance No. 2018-3232, the Township duly adopted the Circus Liquors 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, the Township’s Planning Board adopted Resolution No. 2018-105 granting minor subdivision approval formally establishing the 51.913+/- acre Commercial Tract within the Circus Liquors

Redevelopment Plan area, now identified as Block 825, Lot 55.01 on the Township's official tax map; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8 and N.J.S.A. 40A:12A-9, the Township and B. Duva Development, LLC (the "**Redeveloper**") have entered exclusive negotiations to enter into a Redevelopment Agreement for Block 825, Lot 55.01 within the Circus Liquors Redevelopment Plan Area for the development of commercial and recreational uses.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that:

1. The above recitals are incorporated by reference as if fully set forth herein.
2. The Redeveloper is hereby designated as the redeveloper of Block 825, Lot 55.01 subject to entry of an acceptable Redevelopment Agreement with the Township within 90 days, which may be extended administratively at the sole discretion of the Township Administrator for a period of 30 days.
3. If, by the expiration of this period, or such later date as established by the Township Administrator in accordance with Section 2 hereof, the Township and the Redeveloper have not executed a mutually acceptable Redevelopment Agreement, the designation of the Redeveloper shall automatically expire without any need for any further action of the Township.
4. This Resolution shall supersede any prior expired designations of redevelopers for Block 825, Lot 55.01.
5. The Mayor or Township Administrator are hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution.
6. This Resolution shall take effect immediately.