

**RESOLUTION NO. 12 -2013
OF THE
REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY
LOCATED AT BLOCK 112, LOTS 1-8, 42-49, 9.01, 16.01, 25.01 INCLUSIVE,
LOCATED BETWEEN VOORHEES AND SCHOOL AVENUES
BY THE AGENCY**

WHEREAS, the Redevelopment Agency of Franklin Township (the "Agency") entered into a certain Redevelopment Agreement dated January 24, 2007 (the "Redevelopment Agreement") with RPM Development, LLC (the "Redeveloper") for the Construction of a Residential Development within the Renaissance 2000 Redevelopment Area in the Township of Franklin, Somerset County, New Jersey (the "Project"); and

WHEREAS, pursuant to the terms of the Agreement, the Redeveloper is required to make a good faith effort to acquire all properties required for the Project; and

WHEREAS, in the event that the Redeveloper is not successful in negotiating with a property owner for the purchase of property required for the Project, and the Agency is satisfied that the Redeveloper has made a good faith effort in this regard, the Agency is required to take actions to acquire the property, which actions include negotiations and if necessary, condemnation proceedings; and

WHEREAS, by letter dated August 16, 2013 to the Agency's General Counsel, the Redeveloper submitted an Acquisition Notice advising that it had attempted to negotiate the purchase of property located at Block 112, Lots 1-8 and 42-49, 9.01, 16.01, and 25.01 located at 41 Berry Street and 28, 34 and 36 Voorhees Avenue in Somerset, New Jersey and that such efforts had not been successful; and

WHEREAS, by correspondence dated August 16, 2013 to the Agency's General Counsel, the property owner also advised that the Redeveloper and the property owner were at an impasse with respect to acquisition of the property; and

WHEREAS, the negotiations between the Redeveloper and the owner of the property in question have been the subject of many discussions of the Agency and communications between the Agency and the Redeveloper, particularly with respect to delays in acquiring an Appraisal of the property and the timing of the submission of an Acquisition Notice to the Agency; and

WHEREAS, the Agency has determined to accept the Acquisition Notice and proceed to acquire the property through negotiation, and if necessary condemnation, as set forth in the Redevelopment Agreement and pursuant to N.J.S.A. 40A:12A-8(b) and (c) of the Local Redevelopment and Housing Law; and


WHEREAS, as set forth in the Redevelopment Agreement, the Redeveloper will be responsible for reimbursement of those costs as specifically identified in the Agreement, incurred by the Agency in the acquisition of the Property; and

WHEREAS, the Redeveloper also agrees to consult with the Agency and engage in meaningful discussions with the Agency regarding options for development of the property, prior to finalizing plans for development of the property.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Franklin Township that:

1. The Redevelopment Agency of Franklin Township hereby authorizes the Agency to proceed in accordance with the terms of the Redevelopment Agreement, to acquire Block 112, Lots 1-8 and 42-49, 9.01, 16.01 and 25.01, by negotiation and execute a purchase agreement and any and all other documents necessary for such purchase, and if said negotiations are not successful, to immediately proceed to acquire the property by condemnation in accordance with State law.

**REDEVELOPMENT AGENCY
OF FRANKLIN TOWNSHIP**

By: 
Mark Healey, Executive Director

DATED: August 19, 2013

RECORDED VOTE:

MEMBER	YES	NO	ABSENT
Kimberly Francois, Councilwoman	X		
Michael F. Gianotto, Chairman	X		
Robert Mettler	X		
Ainsley Reynolds	X		
Dennis Sanders	X		
Wayne Sellers	X		
Carl Wright, Councilman	X		