

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **21-055**

1ST READING \_\_\_\_\_ October 5, 2021

DATE TO MAYOR \_\_\_\_\_

2ND READING & PUBLIC HEARING Oct 19, 2021

DATE RESUBMITTED TO COUNCIL \_\_\_\_\_

WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_

DATE EFFECTIVE \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

ACTUAL CONTENTS CERTIFIED TO BY

\_\_\_\_\_  
TOWNSHIP ATTORNEY

\_\_\_\_\_  
TITLE

**ORDINANCE ADOPTING APPRAISAL OF YARDVILLE-HAMILTON SQUARE ROAD RIGHT OF WAY AND AUTHORIZING THE ACQUISITION OF YARDVILLE-HAMILTON SQUARE ROAD RIGHT OF WAY LOCATED IN A PORTION OF BLOCK 2173 LOTS 24.01 and 24.02 FOR THE PUBLIC PURPOSE OF ROAD WIDENING**

*Whereas* the Township intends to widen a portion of Yardville-Hamilton Square road between Kuser and Klockner Roads so as to provide a continuous eighty (80) foot road right of way to improve traffic conditions; and

*Whereas* in order to complete this road widening project, the Township must acquire 8,668 sq. ft. of private property located at Block 2173 Lots 24.01 and 24.02 of the Hamilton Township Tax map, known as 1766-1770 Yardville-Hamilton Road ("Property"); and

*Whereas* the Property was appraised on August 10, 2021 by Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services, LLC; and

*Whereas* the Market Value of the Property is valued to be Fifteen Thousand, Six Hundred Dollars (\$15,600.00); and

*Whereas* the Township intends to obtain ownership of the Property via condemnation pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.* or acquisition pursuant to Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*; and

*Whereas* the Township is authorized pursuant to N.J.S.A. 40A:12-1 *et seq.*, to acquire properties for the public purposes set forth herein; and

*Whereas* the Township may acquire the Property either through voluntary, arms-length negotiations or through condemnation pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.*; and

*Whereas* the Township prefers to acquire the Property through voluntary negotiations and desires at this time to pursue negotiations with the Property owners with a view towards achieving a negotiated agreement that takes into account the reasonable objectives and interests of both parties and that ensures that the Property owners receive fair and just compensation for the Property; and

*Whereas* the Eminent Domain Act provides procedures for a municipality to engage in formal negotiations and, in the even such negotiations are unsuccessful, to file a condemnation action and to secure a determination as the price to be paid as just compensation in advance of the filing of a declaration of taking;

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*Now, Therefore, Be It Ordained* by the Council of the Township of Hamilton in the County of Mercer and State of New Jersey hereby adopts the August 10, 2021 Appraisal Report of 1766-1770 Yardville-Hamilton Road, Hamilton, NJ, Block 2173, Lots 24.01 and 24.02, by by Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services, LLC: Market Value is Fifteen Thousand, Six Hundred Dollars (\$15,600.00).

*Be It Further Ordained* that the Township Council hereby authorizes and directs the Director of Law to tender an offer to the owners of Block 2173 Lots 24.01 and 24.02 for the market value of the Property pursuant to N.J.S.A. 20:3-6.

*Be it Further Ordained* that the Township Council hereby authorizes the following:

1. Should good faith negotiations fail, the Township is hereby authorized to initiate proceedings pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1 et seq., to acquire for public use, by condemnation, a fee simple or lesser titled interest in the land and improvements, if any, located at 1766-1770 Yardville-Hamilton Road designated as Block 2173 Lots 24.01 and 24.02 on the Tax Map of the Township of Hamilton and in the land and improvements, if any, located at 1766-1770 Yardville-Hamilton Road designated as Block 2173 Lots 24.01 and 24.02 on the Tax Map of the Township of Hamilton, and in connection therewith to do such acts as are required by law to acquire the referenced properties.
2. The Township, through its appropriate staff, employees and officials is hereby authorized and directed to take all such steps as may be advisable or necessary pursuant to N.J.S.A. 40A:12-1, et seq. and N.J.S.A. 20:3-1, et seq. to acquire the above-referenced Property, including but not limited to, obtaining surveys, title searches, and appraisals, and the making of an offer of compensation to the owners of the subject properties in an amount not less than the amount of such appraisals as may be approved herein.
3. The Mayor, Business Administrator, Township Clerk and the Director of Law, and other staff and professionals, are hereby authorized and directed to execute and file any and all such actions and documents and undertake any and all such further actions as may be necessary to accomplish the purposes hereof.
4. The determination to complete the acquisitions upon acceptance of the respective offers by the respective owners of the properties or to file a declaration of taking of one or both properties shall abide the enactment of a further action authorizing same and providing funding for the acquisition.

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\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
MUNICIPAL CLERK

**RECORD OF VOTE**

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						
CHARLES F. WHALEN	✓				✓		CHARLES F. WHALEN						
NANCY PHILLIPS	✓					✓	NANCY PHILLIPS						
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.						

X - Indicates Vote    A.B. - Absent    N.V. - Not Voting    ORD. - Moved    SEC. - Seconded

REJECTED \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. MARTIN, MAYOR

\_\_\_\_\_  
DATE

APPROVED \_\_\_\_\_

RECONSIDERED BY COUNCIL \_\_\_\_\_

\_\_\_\_\_  
OVERRIDE VOTE

AYE \_\_\_\_\_ NAY \_\_\_\_\_