

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

**ORDINANCE**

No. **21-038**

1ST READING	<u>June 15, 2021</u>	DATE TO MAYOR	_____
2ND READING & PUBLIC HEARING	<u>July 20, 2021</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN	_____	DATE EFFECTIVE	_____
LOST	_____		

APPROVED AS TO FORM AND LEGALITY

ACTUAL CONTENTS CERTIFIED TO BY

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

\_\_\_\_\_  
TITLE

**ORDINANCE AUTHORIZING THE CONVEYANCE OF TITLE OF BLOCK 2163 Lot 3.01 TO PROJECT FREEDOM**

*Whereas* the Township of Hamilton ("Township") filed a declaratory judgment action with the New Jersey Superior Court on July 8, 2015 pursuant to *In re N.J.A.C. 5:96 and 5:97*; and

*Whereas* the Court approved the Settlement Agreement between the Township and Fair Share Housing Center dated December 29, 2016 that identified the Township's affordable housing obligation and set forth a preliminary indication of how the Township would satisfy the affordable housing obligation; and

*Whereas* the Court subsequently entered a Conditional Judgment of Compliance and Repose on December 18, 2019; and

*Whereas* the Council of the Township of Hamilton on January 23, 2020 adopted the Amended Housing Element and Fair Share Plan ("AHEFSP"); and

*Whereas* the AHEFSP includes as one of the sites to be developed for affordable housing the Property described in Exhibit A attached hereto for which the Township is to be reimbursed; and

*Whereas* the Township previously determined, by Resolution 19-172 adopted on May 7, 2019, that the development of affordable housing by Project Freedom, Inc. ("Project Freedom"), a New Jersey not-for-profit, on the Property will meet an existing housing need in the Township of Hamilton; and

*Whereas* Project Freedom Inc. is a 501(c)(3) non-profit organization that develops affordable housing designed for people with disabilities and their families to empower them to live independently in their communities; and

*Whereas* Project Freedom, which has, pursuant to an Option Agreement dated June 18, 2019 between it and the Township, committed to developing the Property with low-, very low- and moderate-income affordable housing in accordance with the Uniform Housing Affordability Controls, New Jersey Fair Housing Act, and COAH regulations; and

*Whereas* the Council finds that the transfer of Property to Project Freedom to effectuate the forgoing is in the best interests of the Township and its taxpayers; and

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*Whereas* N.J.S.A. 40A:12-21 allows the governing body to direct the private sale and conveyance of all or any part of a tract of land, with or without improvements owned by the municipality and not needed for municipal purposes for nominal consideration and containing a limitation that such lands shall be used only for the purposes of such organization; and

*Whereas* further, N.J.S.A. 40A:12-21 requires that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the municipality without any entry or reentry made thereon on behalf of the municipality;

*Now, Therefore, Be It Ordained* by that the Council of the Township of Hamilton in the County of Mercer and State of New Jersey, hereby approves the conveyance of the Property by the Township of Hamilton to Project Freedom, and authorizes and directs the proper officials of the Township of Hamilton to prepare and execute any and all documents necessary to implement the intent of this Ordinance.

\_\_\_\_\_  
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 \_\_\_\_\_