

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

**ORDINANCE**

No. **20-004**

1ST READING February 4, 2020

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

2ND READING & PUBLIC HEARING February 8, 2020

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

WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_

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

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

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

\_\_\_\_\_  
TITLE

**AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL EXISTING OR PROPOSED PUBLIC RIGHTS WHICH HAVE BEEN CONVEYED TO THE TOWNSHIP FOR A PART OF THE PROPERTY KNOWN AS BLOCK 1518, PART OF LOT 6 ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, COUNTY OF MERCER AND STATE OF NEW JERSEY**

*Whereas* the Township of Hamilton is the owner of property known as Block 1518, Lot 6 on the Tax Map of the Township which property is principally the location of the Bear Swamp Access Road which was formerly owned by the Department of Transportation of the State of New Jersey; and

*Whereas* the said Department of Transportation transferred its ownership of said property to the Township by deed dated September 26, 2019, which was recorded on October 18, 2019 in Deed Book 6384, Page 1284 in the Office of the Mercer County Clerk; and

*Whereas* in anticipation of the Township of Hamilton's acquisition of title to the property from the Department of Transportation a portion of the land that is of no benefit to the Township was deemed to be beneficial to the development of a parcel of land known as Block 1518, Lots 5, 6, 6.01 & 7 which is adjacent to same and a portion beneficial to the County of Mercer for widening or other use in conjunction with Sloan Avenue, which is owned by it; and

*Whereas* the possible transfer of ownership of those portions of the subject property was discussed by the Township's Zoning Board of Adjustment during the public hearing on an application before the Board identified as Application No. 17-07-03 and incorporated in a resolution bearing the same number which was adopted by said Zoning Board of Adjustment on April 10, 2018; and

*Whereas* as the portion of the subject property which is not of use to the Township will be beneficial to both the adjacent property owner, ER/UDC Hamilton, LLC and to the County of Mercer for use in conjunction with its ownership of Sloan Avenue which abuts the property; and

*Whereas* the Council of the Township of Hamilton has determined that as a result of the State of New Jersey, Department of Transportation's decision to convey the Bear Swamp access road to the Township and its acceptance of the same for purposes unrelated to the recommended conveyance of ownership to the two tracts of land that are part of Block 1518, Lot 6 as shown on the attached "Exhibit A", the public interest shall be best served by the conveyance of the two parcels of land as set forth above;

*Now, Therefore, Be It Ordained* by the Council of the Township of Hamilton, County of Mercer and State of New Jersey, that:

**SECTION 1:** A deed (Attached hereto as "Exhibit B") transferring all of the Township's right, title and interest in that certain property known as part of Block 1518 Lot 5 on the Tax Map of the Township of Hamilton and as more particularly described in the description attached to said deed to ER/UDC Hamilton, LLC for the sum of \$1.00 be executed by the appropriate Township officials along with any other documents required to perfect the conveyance of said interest.

**SECTION 2:** A deed (Attached hereto as "Exhibit C") transferring all of the Township's right, title and interest in that certain property known as part of Block 1518 Lot 5 on the Tax Map of the Township of Hamilton and as more particularly described in the description attached to said deed to the County of Mercer for the sum of \$1.00 be executed by the appropriate Township officials along with any other documents required to perfect the conveyance of said interest.

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**SECTION 3:** The Mayor and Township Clerk of the Township of Hamilton are authorized and directed to sign and execute the deeds attached as Exhibits B and C, confirming the transfer of ownership of the vacated portions of the right-of-way to the adjacent property owners.

**SECTION 4:** All Ordinances of the Township of Hamilton that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:** The Clerk of the Township of Hamilton, within sixty (60) days after this ordinance becomes effective, shall cause a copy of this ordinance, certified by her under the seal of the Township of Hamilton, to be a true copy thereof, together with a copy of the proof of publication thereof, to be filed in the Office of the Clerk of the County of Mercer as required by law.

This ordinance shall become effective immediately upon final adoption and publication thereof according to law.

\_\_\_\_\_  
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.						
NANCY PHILLIPS	✓						NANCY PHILLIPS						
CHARLES F. WHALEN, III	✓						CHARLES F. WHALEN, III						
PASQUALE "PAT" PAPERIO, JR.	✓					✓	PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, 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 \_\_\_\_\_

