

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

ORDINANCE

No. **22-037**

1ST READING	<u>July 19, 2022</u>	DATE TO MAYOR	_____
2ND READING & PUBLIC HEARING	<u>Aug. 16, 2022</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY

ACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AUTHORIZING THE TOWNSHIP OF HAMILTON TO ENTER INTO AN AGREEMENT WITH EAST STATE REALTY LLC, ITS SUCCESSORS AND/OR ASSIGNS, FOR THE ACQUISITION OF IMPROVEMENTS AND PROPERTY LOCATED AT 1762 EAST STATE STREET, AND DESIGNATED AS BLOCK 1637, LOT 9, HAMILTON, NEW JERSEY (Purchase Price: \$55,000.00)

Whereas, on June 9, 2015 a six alarm fire heavily damaged a series of attached homes located on East State Street, in the Bromley Section of the Township, rendering them uninhabitable;

Whereas, the Township obtained ownership of seven (7) properties, commonly known as 1746 through 1758 East State Street, Hamilton, NJ and demolished those heavily damaged homes for the protection of Public Health and Safety, and plan to include the properties in its Affordable Housing program;

Whereas, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II) and the Fair Housing Act, N.J.S.A. 52:29D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

Whereas, because these properties will be included in the Township Affordable Housing program, the Township had therefore determined that the acquisition those properties were in the public interest and will enable the Township to satisfy its Constitutional obligation to provide affordable housing, and will further the goals of the Township as set forth in its Master Plan, (see, Twp. of Robbinsville v. Mercer MHC, LLC, NO. A-5655-17T3 (App. Div. March 25, 2019) certif. denied, 207 A.3d 757 (N.J. 2019)); and

Whereas, upon the demolition of those original seven properties, the Township learned that damage from the fire extended further into additional houses on each side, including the subject property; and

Whereas, the subject property is a 1,190± sq. ft. parcel of land, plus improvements, located at 1762 East State Street, Block 1637, Lot 9 which was appraised on May 24, 2021 by Martin Appraisal Associates, Inc. for the market value of \$50,000; and

Whereas, the current Sellers have asserted that they purchased the subject property for \$61,000 in May, 2021; and

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Whereas, the current owners have had an appraisal of the subject property performed by David Ricigliano Independent Appraisal Service, dated May 15, 2022 for the market value of \$60,000; and

Whereas the Township and the Sellers of the property have been engaged in negotiations, and have reached agreement as to the purchase price for the property of \$55,000.00; 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 it is in the best interests of the Township of Hamilton to pursue the acquisition of the property for public purposes.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hamilton in the County of Mercer, State of New Jersey, as follows:

1 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. 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 of \$55,000.

2. 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.

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CERTIFICATION AS TO AVAILABILITY OF FUNDS

I hereby certify that, as of the date of the Ordinance, the free and unencumbered balance in Account No. C-04-55-300-200-001 is sufficient and that there are adequate funds available for the proposed contract noted above, subject to funding from the State of New Jersey and Mercer County.

Eugenia Poulos, Chief Financial Officer/Director of Finance

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	✓						CHARLES F. WHALEN						
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 _____