

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

ORDINANCE

No. **23-003**

1ST READING JANUARY 17, 2023

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING FEB 7, 2023

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

ACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

AN ORDINANCE AMENDING ORDINANCE NO. 21-055, WHICH ADOPTED THE APPRAISAL OF YARDVILLE-HAMILTON SQUARE ROAD RIGHT OF WAY AND AUTHORIZED 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 of Hamilton ("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 (the "Project"); and

Whereas in order to complete the 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 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 Property was appraised on August 10, 2021 by Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services, LLC for a Market Value of Fifteen Thousand Six Hundred Dollars (\$15,600.00); and

Whereas the Council of the Township of Hamilton adopted Ordinance No. 21-055 on October 19, 2021, adopting the 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 for the purchase price of \$15,600.00; and

Whereas the Township may acquire the Property either through voluntary, arms-length negotiations pursuant to Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., or through condemnation pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

Whereas the Township and the owner of the Property have been engaged in voluntary, arms-length negotiations since late 2021; and

Whereas the owner of the property presented the Township with an appraisal from Curini Appraisal Co., Inc., which valued the property at Forty-Three Thousand Dollars (\$43,000.00); and

Whereas after further evaluation of both appraisals, and continued negotiations, the Township and owner of the Property have arrived at a compromise for a purchase price of \$31,000.00; and

Whereas the Township cannot move forward with the Project without first acquiring the Property, and therefore desires to amend Ordinance No. 21-055 to reflect an authorized purchase price of \$31,000.00 for the Property, and to authorize an additional \$3,000.00 for miscellaneous costs that may be due at the time of closing, for a total purchase price not to exceed \$34,000.00; and

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Whereas the Division of Planning has advised that funding for this purpose is available in the Central Area TID Account No. T-03-05-500-000-001, and has been certified by the local finance officer; now therefore

Be It Further Ordained by the Council of the Township of Hamilton in the County of Mercer and State of New Jersey, that Ordinance No. 21-055 be and hereby is amended to reflect a purchase price of \$31,000.00 for the Property, with an additional \$3,000.00 authorized for any miscellaneous costs that may be due at the time of closing, for a total purchase price not to exceed \$34,000.00.

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. T-03-05-500-000-001 is sufficient and that there are adequate funds available for the proposed land acquisition noted above.

Eugenia Poulos, Director of Finance/CFO

PRESIDENT

MUNICIPAL CLERK

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

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 _____