

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

ORDINANCE

No. **23-017**

1ST READING April 4, 2023

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING April 18, 2023

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WITHDRAWN _____ LOST _____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 RELEASE, DISCHARGE, AND EXTINGUISH ANY AND ALL EXISTING OR PROPOSED SIGHT RIGHTS WHICH HAVE BEEN CONVEYED TO THE TOWNSHIP FOR A PORTION OF THE PROPERTY KNOWN AS BLOCK 1799, PART OF LOT 4 ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, COUNTY OF MERCER AND STATE OF NEW JERSEY

Whereas the Township of Hamilton is the Grantee of a Deed of Sight Easement running with the land of a portion of the property known as Block 1799, Lot 4 on the Tax Map of the Township ("property");

Whereas the Grantor was Mobil Oil Corporation and transferred the Sight Easement to the Township by deed dated March 7, 1991, which was recorded on March 13, 1991 in Deed Book 2559, Page 186 in the Office of the Mercer County Clerk; and

Whereas on July 26, 2022, the Township of Hamilton Zoning Board of Adjustment approved Resolution No. 21-11-042 granting conditional use variance relief and bulk variance relief, together with preliminary and final major site plan approval to allow for the construction of a Chipotle restaurant on this property by owner of said property Mercerville Equities, Inc.; and

Whereas the sight right easement should be removed of record as it is no longer needed by the Township and its extinguishment is a condition of the Resolution as it interferes with the approved final site plan; and

Whereas the Council of the Township of Hamilton has determined that the public interest shall be best served by the extinguishment of the easement 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 Release, Discharge and Extinguishment of Sight Right Easement (Attached hereto as "Exhibit A") releasing, discharging and extinguishing all of the Township's right, title and interest in the Sight Right of that certain property known as part of Block 1799 Lot 4 on the Tax Map of the Township of Hamilton and as more particularly described in the description attached to said deed to Mercer Equities, 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: 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 3: 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.

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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
PASQUALE "PAT" PAPER0, JR.	✓						PASQUALE "PAT" PAPER0, 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 _____