

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

**ORDINANCE**

**No. 23-053**

1ST READING December 5, 2023

DATE TO MAYOR December 20, 2023

2ND READING & PUBLIC HEARING Dec. 19, 2023

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WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_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 KUSER ROAD INVESTMENTS, LLC, FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 2367 KUSER ROAD, AND DESIGNATED AS BLOCK 2575, LOTS 167-170, HAMILTON, NEW JERSEY AND TO DETERMINE CERTAIN OTHER MATTERS RELATED THERETO (Purchase Price: \$3,400,000.00; Estimated closing costs: \$25,000.00 +/-; Total amount of funding: \$3,425,000.00)**

*Whereas* N.J.S.A. 40A:12-5(a)(1) of the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes public entities to acquire real property by direct negotiation and purchase of said property; and

*Whereas*, the Township of Hamilton (the "Township") has deemed it necessary to acquire property identified as Block 2575, Lots 167-170 on the Township's Official Tax Maps, known as 2367 Kuser Road (the "Property"), which is currently owned by Kuser Road Investments, LLC (the "Owner"), for open space preservation and other, similar public purposes; and

*Whereas*, the Township and the Owner have agreed to a purchase price for the Property of \$3,400,000.00 (the "Purchase Price"), which is anticipated to be funded through the New Jersey Department of Environmental Protection's Green Acres Program and the Mercer County Open Space Fund; and

*Whereas*, the Township desires to authorize the acquisition of the Property for the Purchase Price, subject to normal and customary adjustments associated with closing such transactions, in accordance with terms and conditions set forth in an agreement to be negotiated and executed by the parties (the "Purchase and Sale Agreement").

*Now, Therefore, Be It Ordained*, by the Council of the Township of Hamilton, in the County of Mercer, and State of New Jersey, hereby authorizes the acquisition of the Property in accordance with a Purchase and Sale Agreement negotiated directly with the Owner for the purposes provided for herein, and for such other municipal purposes as may be authorized by law.

*Be It Further Ordained* by the Council that the closing costs associated with this acquisition are estimated to be \$25,000.00 +/-, and that the total amount of the funding required for this purchase may be affected by the final closing costs assessed by the title company handling this real estate transaction on behalf of the Township.

*Be It Further Ordained* by the Council of the Township of Hamilton that the proper officials of the Township be and hereby are directed and authorized to enter into a contractual agreement with the Seller; to execute all requisite documentation necessary to request and receive funding; and to execute all documentation necessary to effectuate the acquisition of the property.

*Be It Further Ordained* by the Council of the Township of Hamilton that the Township Attorney, special legal counsel and/or any Township employees or consultants are hereby authorized and directed to perform or carry out, or cause to be performed or carried out, any studies, surveys, tests, soundings, borings, appraisals, title searches and title report reviews as reasonably necessary to determine the value of the Property, the location and quality of the Property and any environmental matters associated with the Property;

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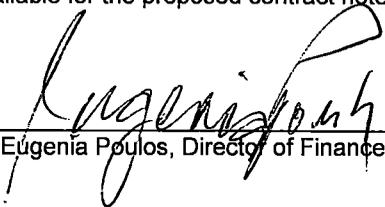
**ORDINANCE AUTHORIZING THE TOWNSHIP OF HAMILTON TO ENTER INTO AN AGREEMENT WITH KUSER ROAD INVESTMENTS, LLC, FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 2367 KUSER ROAD, AND DESIGNATED AS BLOCK 2575, LOTS 167-170, HAMILTON, NEW JERSEY AND TO DETERMINE CERTAIN OTHER MATTERS RELATED THERETO (Purchase Price: \$3,400,000.00; Estimated closing costs: \$25,000.00 +/-; Total amount of funding: \$3,425,000.00)**

*Be It Further Ordained* by the Council of the Township of Hamilton, that the Township hereby approves the Purchase Price in the amount of \$3,400,000.00, plus normal and customary adjustments associated with closing such transactions in the amount of \$25,000.00 +/-, if any.

*Be It Further Ordained* by the Council of the Township of Hamilton that the Mayor, Township Attorney, special legal counsel and/or such other officials, consultants, agents, employees and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions, including the execution of any agreement, such as the Purchase and Sale Agreement in a form acceptable to the Mayor, Township Attorney and special legal counsel, necessary to effectuate the purposes of this Ordinance, and to apply for the aforementioned grant funds.

**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-04-55-216-077-101 is sufficient and that there are adequate funds available for the proposed contract 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 \_\_\_\_\_