

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

ORDINANCE

No. **24-008**

1ST READING	<u>February 6, 2024</u>	DATE TO MAYOR	<u>FEBRUARY 21, 2024</u>
2ND READING & PUBLIC HEARING	<u>February 20, 2024</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WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____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 FRANCESCO AMODEO, HIS SUCCESSORS AND/OR ASSIGNS, FOR THE ACQUISITION OF IMPROVEMENTS AND PROPERTY LOCATED AT 1770 EAST STATE STREET, AND DESIGNATED AS BLOCK 1637 LOT 5, HAMILTON, NEW JERSEY (Purchase Price: \$150,000.00; Estimated closing costs: \$10,000.00 +/-; Total amount of funding: \$160,000.00)

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; and

Whereas, as the Township acquired additional properties it was determined that several other units had structural damage unrelated to the fire, which the Township also purchased; and

Whereas, the subject property in question has been deemed an appropriate outer perimeter on the northern most boarder of the affordable housing project; and

Whereas, the subject property is a 1,160± sq. ft. parcel of land, plus improvements, located at 1770 East State Street, Block 1637, Lot 5 which was appraised on September 12, 2023 by Martin Appraisal Associates, Inc. for the market value of \$123,000.00; and

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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 \$150,000.00; 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 Council of the Township of Hamilton, in the County of Mercer, and State of New Jersey, that acquisition of the designated land for the specified price, be and hereby is authorized, *subject to*: the receipt of a binding commitment for title insurance at normal premium rates by a title company authorized to do business in the State of New Jersey; and the fulfillment of the conditions of the contract for sale of real estate to be executed in connection herewith.

Be It Further Ordained by the Council that the closing costs associated with this acquisition are estimated to be \$10,000.00 +/-, 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.

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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. _____ 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						
CHARLES F. WHALEN	✓				✓		CHARLES F. WHALEN						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, 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 _____