

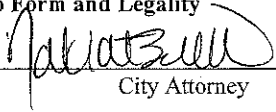
ORDINANCE

No. 11-01

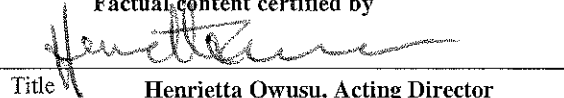
1st Reading JAN 18 2011
Public Hearing _____
2nd Reading & Passage _____
Withdrawn _____ Lost _____

Date to Mayor _____
Date Returned _____
Date Resubmitted to Council _____

Approved as to Form and Legality


City Attorney

Factual content certified by


Title **Henrietta Owusu, Acting Director**
Dept. of Housing and Economic Dev.
presents the following Ordinance:

Councilman /woman _____

ORDINANCE AMENDING ORDINANCE NO. 09-57 WHICH AUTHORIZED
THE ACQUISITION OF REAL PROPERTY IN THE CHAMPALE
REDEVELOPMENT AREA KNOWN AS 1016 LAMBERTON STREET, BLOCK
11902, PORTION OF LOT 4 AND 1018 LAMBERTON STREET, BLOCK 11902,
LOT 3 FROM EDWARD SHELTON AND ANTOINETTE SHELTON, H/W AS TO
THE AMOUNT FOR ACQUISITION

WHEREAS, the acquisition of subject property from Edward Shelton and Antoinette Shelton, h/w for the Champale-Hovnanian project is currently before the Superior Court of the State of New Jersey; and

WHEREAS, the City Council adopted ordinance 09-57 on November 30, 2009 which ordinance authorized the acquisition of property identified on the City of Trenton Tax Maps as Block 11902, Portion of Lot 4 and Lot 3, approximately 10,270.98 Sq Ft., and commonly known as 1016 and 1018 Lamberton Street, respectively for the amount of \$132,000, the city's initial appraisal, which funds were certified to be available in FY 2003 Capital Budget, Account # C-04-03-60-094H-000; FY 2005 Capital Budget, Account # C-04-05-60-068H-000; FY 1998 Capital Budget, Account # C-04-98-60-137D-000 and FY 2008 Capital Budget, Account # C-04-08-60-079G-000 and deposited to the court; and

WHEREAS, appraisers for the defendants estimated the value of the subject property at \$344,000.00 but the Commissioners Hearing held on April 14, 2010 set equitable compensation for the taking of the property at \$164,000;

WHEREAS, the defendants appealed the Commissioners award to the Superior Court for a de novo Jury trial; and

WHEREAS, after further settlement negotiation, parties to said condemnation litigation wish to settle for the total amount of \$194,000; and.

WHEREAS, the additional funds in the amount of \$62,000 needed to complete this transaction have been certified to be available in the FY 2004 Capital Budget, Account #C-04-08-60-079G-000.

ORDINANCE

NOW THEREFORE, IT IS ORDAINED by the City Council of the City of Trenton, as follows:

1. Ordinance 09-57 adopted by the City Council on November 30, 2009 is hereby amended solely to reflect the acquisition of subject property for the amount of \$194,000 instead of \$132,000, and certifying additional funds in the amount of \$62,000 for a total acquisition cost in the amount of \$194,000
2. The Mayor is hereby authorized to take all reasonable and necessary steps including executing any and all documents, necessary to acquire 1016 and 1018 Lambertson Street from Edward Shelton and Antoinette Shelton, h/w, in furtherance of the objectives of the Champale Redevelopment Area Plan
3. The Mayor is hereby authorized to make payment to Edward Shelton and Antoinette Shelton, h/w, in an amount not to exceed One Hundred and Ninety-Four Thousand Dollars (\$194,000.00).
4. The City Clerk is hereby directed to attest to the execution of all documents, and to publish this Ordinance as required by applicable law.
5. This Ordinance shall take effect thirty (30) days after final passage by the City Council or twenty (20) days after approval by the Mayor, whichever comes first.

	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB
BETHEA	✓								HOLLY WARD	✓								MUSCHAL	✓							
CALDWELL WILSON	✓								MCBRIDE			✓														
CHESTER	✓								REYNOLDS JACKSON	✓																
NV - NO VOTE												AB - ABSENT														

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on _____

Adopted on second reading after the public hearing on _____

President of Council

City Clerk

CITY OF TRENTON
DEPARTMENT OF FINANCE

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Janet Schoenhaar, Chief Financial Officer of the City of Trenton, do hereby certify to the best of my knowledge and belief, that there are now adequate funds to contract with Edward Shelton and Antoinette Shelton, h/w 1016 and 1018 Lamberton Street, Trenton, NJ for the Department of Housing & Economic Development for final payment in an amount not to exceed \$62,000.00. Such funds for said services are available in FY 2004 Capital Budget, Account #C-04-08-60-079G-000.

Janet Schoenhaar
Janet Schoenhaar
Chief Financial Officer

12/30/10
Date

Account Number: FY 2004 Capital Budget, Account #C-04-08-60-079G-000

ms

leo

09 57

ORDINANCE

No. _____

1st Reading NOV 05 2009

Date to Mayor NOV 30 2009

Public Hearing _____

Date Returned _____

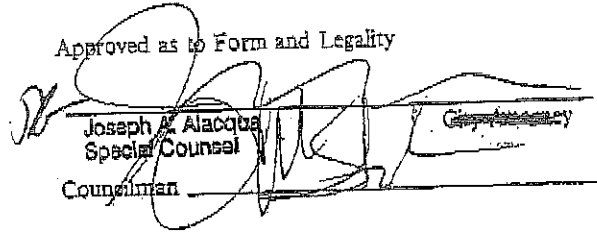
2nd Rdg. and Final Passage NOV 24 2009

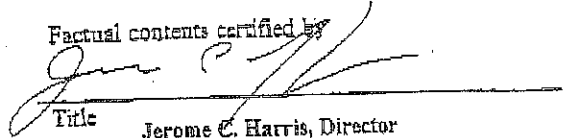
Date Resubmitted to Council _____

Withdrawn _____ Lost _____

Approved as to Form and Legality _____

Factual contents certified by _____


 Joseph A. Alacqua
 Special Counsel
 Councilman


 Title _____
 Jerome C. Harris, Director
 Dept. of Housing and Economic Dev.
 presents the following Ordinance:

ORDINANCE AMENDING ORDINANCE NO. 06-80 WHICH AUTHORIZED THE ACQUISITION OF REAL PROPERTY IN THE CHAMPALE REDEVELOPMENT AREA KNOWN AS 1016 LAMBERTON STREET, BLOCK 11902, PORTION OF LOT 4 AND 1018 LAMBERTON STREET, BLOCK 11902, LOT 3 FROM EDWARD SHELTON AND ANTOINETTE SHELTON, H/W, AS TO THE AMOUNT FOR ACQUISITION

WHEREAS, the City Council adopted ordinance 06-80 on October 19, 2006 which ordinance authorized the acquisition of property identified on the City of Trenton Tax Maps as Block 11902, Portion of Lot 4 and Lot 3, approximately 10,270.98 Sq. Ft., and commonly known as 1016 and 1018 Lambertson Street, respectively for the amount of \$70,000, which funds were certified to be available in FY 2003 Capital Budget, Account # C-04-03-60-094H-000 and FY 2005 Capital Budget, Account # C-04-05-60-068H-000; and

WHEREAS, the acquisition of subject of subject property from Edward Shelton and Antoinette Shelton, h/w, is currently before the Superior Court of the State of New Jersey, and the parties to said condemnation litigation wish to settle for the total amount of \$132,000.

WHEREAS, the additional funds in the amount of \$62,000 needed to complete this transaction have been certified to be available in the FY 1998 Capital Budget, Account #C-04-98-60-137D-000, \$54,410.07 and FY 2008 Capital Budget, Account #C-04-08-60-079G-000, \$7,589.93.

NOW, THEREFORE, IT IS ORDAINED by the City Council of the City of Trenton, as follows:

1. Ordinance 06-80 adopted by the City Council on October 19, 2006 is hereby amended solely to reflect the acquisition of subject property for the amount of \$132,000 vice \$70,000, and the certification of additional funds in the amount of \$62,000 for a total acquisition cost in the total amount of \$132,000.
2. The Mayor is hereby authorized to take all reasonable and necessary steps, including executing any and all documents, necessary to acquired 1016 and 1018 Lambertson Street from Edward Shelton and Antoinette Shelton, h/w, in furtherance of the objectives of the Champale Redevelopment Area Plan

ORDINANCE

3. The Mayor is hereby authorized to make payment to Edward Shelton and Antoinette Shelton, h/w, in an amount not to exceed One Hundred Thirty-Two Thousand Dollars (\$132,000.00).
4. The City Clerk is hereby directed to attest to the execution of all documents, and to publish this Ordinance as required by applicable law.
5. This Ordinance shall take effect thirty (30) days after final passage by the City Council or twenty (2) days after approval by the Mayor, whichever comes first.

RECORD OF COUNCIL VOTE ON FINAL PASSAGE															
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	
BETHEA	X				MELONE	X				PINTELLA	X				
MUSCITAL			X		SEGURA	X				PRESIDENT					
LARTIGUE	X			X	STATON	X									

X—INDICATES VOTE A.B.—ABSENT N.V.—NOT VOTING X.O.R.—INDICATES OVERRIDE VETO

NOV 05 2009

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on NOV 24 2009
 Adopted on second and final reading after hearing on _____

Rejected Reconsidered Override
 Approved by [Signature] Mayor By Council _____ Vote Aye Nay

[Signature] President of Council [Signature] City Clerk

CITY OF TRENTON
DEPARTMENT OF FINANCE

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Ronald Zilinski, Chief Financial Officer for the City of Trenton, do hereby certify, to the best of my knowledge and belief that there are now adequate funds to Contract with:

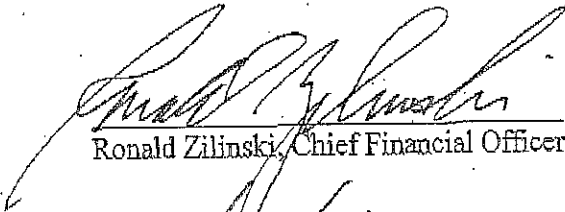
Vendor Name: Edward Shelton and Antoinette Shelton, h/w
Address: 1016 and 1018 Lambertson Street
City/State/Zip: Trenton, NJ

Purpose: Settlement of Condemnation Litigation

Fund: FY 1998 and FY 2008 Capital

Account Number: C-04-98-60-137D-000 \$54,410.07
C-04-08-60-079G-000, \$7,589.93.

Amount not to exceed: \$62,000


Ronald Zilinski, Chief Financial Officer

10/30/09
Date

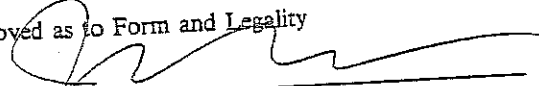
RR

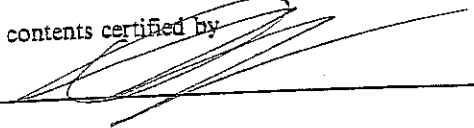
ORDINANCE

No. 06 89 / Co

1st Reading OCT 05 2006
Public Hearing OCT 19 2006
2nd Rdg. and Final Passage OCT 19 2006
Withdrawn Lost

Date to Mayor OCT 19 2006
Date Returned _____
Date Resubmitted to Council _____

Approved as to Form and Legality

Joseph Alacqua, Special Counsel City Attorney

Factual contents certified by

Title _____

Councilman _____ presents the following Ordinance:

ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN THE CHAMPALE REDEVELOPMENT AREA KNOWN AS 1016 LAMBERTON STREET, BLOCK 11902, PORTION OF LOT 4 AND 1018 LAMBERTON STREET, BLOCK 11902, LOT 3 FROM EDWARD SHELTON AND ANTOINETTE SHELTON, H/W

WHEREAS, there is within the City of Trenton and the Champale Redevelopment Area certain real property identified on the City of Trenton Tax Maps as Block 11902, Portion of Lot 4 and Lot 3, approximately 10,270.98 Sq. Ft., and commonly known as 1016 Lamberton Street and 1018 Lamberton Street, respectively; and

WHEREAS, the City of Trenton, pursuant to the Local Redevelopment and Housing Law, at N.J.S.A. 40A:12A-8(b) and 40A:12A-22(i), has the statutory authority to acquire the property upon such terms as are deemed reasonable in furtherance of the objectives of the Redevelopment Plan; and

WHEREAS, the City of Trenton, pursuant to the Local Redevelopment and Housing Law, at N.J.S.A. 40A:12A-8(c) and the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., has the statutory authority to "[a]cquire, by condemnation, any land or building which is necessary for the redevelopment project"; and

WHEREAS, it is in the best interest of the City of Trenton to acquire said properties from Edward and Antoinette Shelton, h/w, in order achieve the redevelopment objectives in the Champale Redevelopment Area Plan; and

WHEREAS, the City of Trenton has obtained an appraisal of said properties and has established the fair market value for the two properties at Seventy Thousand Dollars (\$70,000.00); and

WHEREAS, funds have been certified to be available, as follows: \$67,045.21 from the FY 2003 Capital Account # C-04-03-60-094H-000 and \$2,954.79 from the FY 2005 Capital Account # C-04-05-60-068H-000.

ORDINANCE

NOW, THEREFORE, IT IS ORDAINED by the City Council of the City of Trenton, as follows:

1. The Mayor is hereby authorized to take all reasonable and necessary steps, including executing any and all documents, necessary to acquire a portion of lot 4 and lot 3, block 11902 (approximately 10,270.98 square feet of vacant land and a structure) commonly known as 1016 and 1018 Lambertson Street, respectively from Edward and Antoinette Shelton, h/w, in furtherance of the objectives of the Champale Redevelopment Area Plan.
2. The Mayor is hereby authorized to make payment to Edward Shelton and Antoinette Shelton, h/w, in an amount not to exceed Seventy Thousand Dollars (\$70,000.00).
3. In the event the City is not successful in acquiring said property by way of negotiation, the Mayor is hereby authorized to take such steps as are necessary to acquire said property through eminent domain proceedings, and to execute any and all necessary documents necessary to acquire said property.
4. The City Clerk is hereby directed to attest to the execution of all documents and to publish this Ordinance as required by applicable law.
5. This Ordinance shall take effect after final passage and publication in accordance with applicable law.

RECORD OF COUNCIL VOTE ON FINAL PASSAGE															
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	
BETHEA	X	X			MELONE	X	X			PINTELLA	X	X			
COSTON	X	X			SEGURA	X	X			PRESIDENT					
LARTIGUE	X	X			STATON	X	X								

X—INDICATES VOTE A.B.—ABSENT N.V.—NOT VOTING X.O.R.—INDICATES OVERRIDE VETO


Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on OCT 05 2006
 on second and final reading after hearing on OCT 19 2006

By [Signature] Mayor Reconsidered By Council _____ Override Vote Aye Nay
[Signature] President of Council [Signature] City Clerk

CITY OF TRENTON
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT

Memorandum

TO: Elaine Adams
Acting Business Administrator

VIA:  Henrietta Owusu, Acting Director
Department of Housing and Economic Development

DATE: December 21, 2010

The attached ordinance amends ordinance 09 57 which authorized \$132,000 and authorizes an additional \$62,000 for the acquisition of real property in the Champale Redevelopment Area known as 1016 Lamberton Street, Block 11902, portion of Lot 4 and 1018 Lamberton Street, Block 11902, Lot 3 from Edward Shelton and Antoinette Shelton, h/w by mutual agreement of the parties in an amount not to exceed \$194,000.

We request that this ordinance be placed on the Council Docket for the January City Council Meeting.

HARVEY C. JOHNSON, ESQUIRE
PARTNER
DIRECT DIAL: 856-874-4274
PERSONAL FAX: 856.874.4634
E-MAIL: hjohnson@duanemorris.com

www.duanemorris.com

November 19, 2010

Henrietta Owusu, AICP
Acting Director
Department of Housing and Economic
Development
Trenton City Hall
319 East State Street
Trenton NJ 08608

RE: City of Trenton vs. Shelton
Docket No.: MER-L-1663-07

Dear Ms. Owusu:

This eminent domain case is the only remaining file regarding the Champale-Hovnagian project. The City's initial appraisal of this property was \$132,000.00 and that amount was deposited into Court. The defendant's appraisers estimated the value of the taking at \$344,000.00. Thus, there was a difference of \$212,000.00 between the appraisals. A Commissioners Hearing was held on April 14, 2010 wherein the Commissioners determined that the just and equitable compensation for the taking of the property should be \$164,000.00. This was a tremendous victory for the City since the Commissioners Award was less than 50% of the defendant's appraisal.

On June 14, 2010, the defendants appealed the Commissioners award to the Superior Court for a de novo Jury trial. The Superior Court has not yet assigned the matter to a Judge or established a trial schedule.

However, on November 17, the defendants' attorney Peter Dickson called and began settlement negotiations. He offered to settle the matter for \$194,000.00 which is \$30,000.00 on top of the \$164,000.00 awarded by the Commissioners. Even though I recommend that the matter be settled, I would seek to negotiate the additional \$30,000.00 down to \$15,000.00 or


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WASHINGTON, DC
LAS VEGAS
ATLANTA
MIAMI
PITTSBURGH
NEWARK
BOCA RATON
WILMINGTON
CHERRY HILL
PRINCETON
LAKE TAHOE
HO CHI MINH CITY

Duane Morris

Henrietta Owusu, AICP
Acting Director
November 19, 2010
Page 2

\$20,000.00. The reason I am recommending settlement is that after the Commissioners Hearing, I talked with the Presiding Commissioner who said that the two other Commissioners initially wanted to grant a substantially higher award because based on a site visit they had seen that substantially all of the rear yard of the property had been taken. In addition, if this matter went to trial it would cost the City \$15 to \$20,000,00 to try the case. I am requesting authority for up to \$30,000.00 to negotiate a settlement.

Yours in humanity,


Harvey C. Johnson
Partner

HCJ:caa