

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

ORDINANCE

No. **26-001**

1ST READING JANUARY 6, 2026

DATE TO MAYOR JANUARY 21, 2026

2ND READING & PUBLIC HEARING JAN. 20, 2026

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL EXISTING OR PROPOSED PUBLIC RIGHTS WHICH HAVE BEEN CONVEYED TO THE TOWNSHIP FOR PORTIONS OF BENSON AVENUE IN THE TOWNSHIP OF HAMILTON, COUNTY OF MERCER AND STATE OF NEW JERSEY

Whereas on September 25, 2025, the Planning Board of Hamilton Township, approved Application No. 25-08-030, "Solops Hamilton Solar Redevelopment, LLC for Preliminary and Final Site Plan Approval With Design Waiver and Bulk Variance Relief for the Property Known and Designated as Block 2141, Lot 17 and Block 2154, Lots 10, 12.01, and 89, Commonly Known As 208 Patterson Avenue, Hamilton Township", which in part entailed the vacation of Benson Avenue, a paper street; and

Whereas the Council of the Township of Hamilton has determined that the right-of-way is no longer needed and there is no longer any intention to construct the roadway, and as a result, such a roadway will not extend across the right-of-way; and

Whereas the Council of the Township of Hamilton has determined that as a result of the decision to remove the right-of-way from future development, the public interest will best be served by now vacating, releasing and extinguishing any public interest of the Township in the right-of-way of said municipality in said Benson Avenue, whether said rights be those of dedication or any other public rights in said Benson Avenue; and

Whereas the Road Dedications 1A, 1B, 1C and 1D as described in Section 1 below, are combined in their totality to form the Right of Way Vacation 1 of Benson Avenue, and are further defined in the meets and bounds descriptions of each, attached hereto as Exhibit A; and

Now, Therefore, Be It Ordained by the Council of the Township of Hamilton, County of Mercer and State of New Jersey, that:

SECTION 1: Any and all dedication of public rights or any public rights which may heretofore have come into effect in said aforementioned right-of-way, as mentioned above, in any way contained within the following described property, be and the same hereby are vacated, released and extinguished to the end that said lands be as effectively discharged therefrom as though no dedication or other public rights therein had ever existed, said portions of the vacated right-of-way being shown on a plan now or about to be filed entitled "Right of Way Vacation 1, 2 & 3 Exhibit, Benson Avenue, Phinney Avenue & Hovey Avenue, Solops Hamilton Landfill Solar, Hamilton Township, Mercer County, New Jersey", prepared by Partner Engineering and Science, Inc. (a DBA of Partner Assessment Corp, a NJ Engineering Firm, dated July 28, 2025" and attached hereto as Exhibit B, and more particularly described as follows:

Description of Roadway Dedication 1A, a portion of Benson Avenue for Tax Lot 59, Block 2137, Township of Hamilton, Mercer County, New Jersey

Beginning at a point on the northerly sideline of McGrath Avenue (50' wide right of way), where the same is intersected with the westerly sideline of Benson Avenue (50' wide right of way), as shown on map entitled "Olden Ave Gardens Hamilton Township, Mercer Co. N.J. owned by Everett C Wells", dated June 1, 1917, which map has been duly filed in the Mercer County Clerk's Office on August 4, 2017, as Map #302A; and runs thence:

1. Along the westerly sideline of Benson Avenue, north 32 degrees, 30 minutes, 27 seconds east 535.00 feet to a point on the centerline of Phinney Avenue; thence
2. Across Benson Avenue and along the centerline of Phinney Avenue, south 57 degrees, 29 minutes, 33 seconds east 25.00 feet to a point; thence

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **26-001**

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL EXISTING OR PROPOSED PUBLIC RIGHTS WHICH HAVE BEEN CONVEYED TO THE TOWNSHIP FOR PORTIONS OF BENSON AVENUE IN THE TOWNSHIP OF HAMILTON, COUNTY OF MERCER AND STATE OF NEW JERSEY

3. Along the centerline of Benson Avenue, south 32 degrees, 30 minutes, 27 seconds west 535.00 feet to a point marked by a capped iron bar set; thence
4. Along the northerly sideline of McGrath Avenue, north 57 degrees, 29 minutes, 33 seconds west 25.00 feet to a point or place of beginning.

Containing 13,375 square feet or 0.3070 acres of land.

Description of Roadway Dedication 1B, a portion of Benson Avenue for Tax Lot 17, Block 2141, Township of Hamilton, Mercer County, New Jersey

Beginning at a point marked by a capped iron bar set, on the northerly sideline of McGrath Avenue, (50' wide right of way) where the same is intersected with the easterly sideline of Benson Avenue (50' wide right of way) as shown on map entitled "Olden Ave Gardens Hamilton Township, Mercer Co. N.J. owned by Everett C Wells", dated June 1, 1917, which map has been duly filed in the Mercer County Clerk's Office on August 4, 2017, as map #302A; and runs thence:

1. Along the northerly sideline of McGrath Avenue and across Benson Avenue, north 57 degrees, 29 minutes, 33 seconds west 25.00 feet to a point on the centerline of Benson Avenue; thence
2. Along the centerline of Benson Avenue, north 32 degrees, 30 minutes, 27 seconds east 535.0 feet to a point on the centerline of Phinney Avenue; thence
3. Across Benson Avenue and along the centerline of Phinney Avenue, south 57 degrees, 29 minutes, 33 seconds east 25.00 feet to a point; thence
4. Along the easterly sideline of Benson Avenue, south 32 degrees, 30 minutes, 27 seconds west 535.00 feet to a point or place of beginning.

Containing 13,375 square feet or 0.3070 acres of land.

Description of Roadway Dedication 1C, a portion of Benson Avenue for Tax Lot 94, Block 2154, Township of Hamilton, Mercer County New Jersey

Beginning at a point on the westerly sideline of Benson Avenue, (50' wide right of way) where the same is intersected with the dividing line of Tax Lot 10, Block 2154, as shown on Map entitled "Olden Ave Gardens Hamilton Township, Mercer Co. N.J. owned by Everett C Wells", dated June 1, 1917, which map has been duly filed in the Mercer County Clerk's Office on August 4, 2017, as Map #302A; and runs thence:

1. Along the dividing line between Benson Avenue and Tax Lot 10, Block 2154, south 50 degrees, 10 minutes, 36 seconds east 25.21 feet to a point on the centerline of Benson Avenue; thence
2. Along the centerline of Benson Avenue and across Phinney Avenue, south 32 degrees, 30 minutes, 27 seconds west 93.89 feet to a point on the centerline of Phinney Avenue; thence
3. Across Benson Avenue and along the centerline of Phinney Avenue, north 57 degrees, 29 minutes, 33 seconds west 25.00 feet to a point; thence

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **26-001**

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL EXISTING OR PROPOSED PUBLIC RIGHTS WHICH HAVE BEEN CONVEYED TO THE TOWNSHIP FOR PORTIONS OF BENSON AVENUE IN THE TOWNSHIP OF HAMILTON, COUNTY OF MERCER AND STATE OF NEW JERSEY

4. Along the westerly sideline of Benson Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 97.10 feet to a point or place of beginning.

Containing 2,387 square feet or 0.0548 acres of land.

Description of Roadway Dedication 1D, a portion of Benson Avenue for Tax Lot 10, Block 2154, Township of Hamilton, Mercer County, New Jersey

Beginning at a point marked by a capped iron bar set on the easterly sideline of Benson Avenue, (50' wide right of way) where the same is intersected with the dividing line of Tax Lot 10, Block 2154, as shown on map entitled "Olden Ave Gardens Hamilton Township, Mercer Co. N.J. owned by Everett C Wells", dated June 1, 1917, which map has been duly filed in the Mercer County Clerk's Office on August 4, 2017, as map #302A; and runs thence:

1. Along the easterly sideline of Benson Avenue and across Phinney Avenue, south 32 degrees, 30 minutes, 27 seconds west 90.68 feet to a point on the centerline of the Phinney Avenue; thence
2. Across Benson Avenue and along centerline of Phinney Avenue, north 57 degrees, 29 minutes, 33 seconds west 25.00 feet to a point; thence
3. Along the centerline of Benson Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 93.89 feet to a point; thence
4. Along the dividing line between Benson Avenue and Tax Lot 10, Block 2154, south 50 degrees, 10 minutes, 36 seconds east 25.20 feet to a point or place of beginning.

Containing 2,307 square feet or 0.0530 acres of land.

Whereas the above Road Dedications in combination form the following:

Description of Right of Way Vacation 1, a portion of Benson Avenue, Township of Hamilton, Mercer County, New Jersey

Beginning at a point marked by a capped iron bar set, on the northerly sideline of McGrath Avenue (50' wide right of way) where the same is intersected with the easterly sideline of Benson Avenue (50' wide right of way) as shown on map entitled "Olden Ave Gardens Hamilton Township, Mercer Co. N.J. owned by Everett C Wells", dated June 1, 1917, which map has been duly filed in the Mercer County Clerk's Office on August 4, 2017, as Map #302A; and runs thence:

1. Along the northerly sideline of McGrath Avenue, north 57 degrees, 29 minutes, 33 seconds west 50.00 feet to a point; thence
2. Along the westerly sideline of Benson Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 632.10 feet to a point; thence
3. Along the dividing line between Benson Avenue and Tax Lot 10, Block 2154, south 50 degrees, 10 minutes, 36 seconds east, 50.41 feet to a point marked by a capped iron bar set; thence
4. Along the easterly sideline of Benson Avenue and across Phinney Avenue, south 32 degrees, 30 minutes, 27 seconds west 625.68 feet to a point or place of beginning.

Containing 31,444 square feet or 0.7219 acres of land.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **26-001**

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL EXISTING OR PROPOSED PUBLIC RIGHTS WHICH HAVE BEEN CONVEYED TO THE TOWNSHIP FOR PORTIONS OF BENSON AVENUE IN THE TOWNSHIP OF HAMILTON, COUNTY OF MERCER AND STATE OF NEW JERSEY

SECTION 2: The Township of Hamilton by vacation of the public rights in Benson Avenue, if it is the owner in fee simple of any portion of such lands, expressly waives any rights pursuant to N.J.S.A. 40:60-28 to make a private sale of and to convey the lands so vacated to any adjoining property owners at fair and just prices.

SECTION 3: 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 4: 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.

PRESIDENT

MUNICIPAL CLERK

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