

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

ORDINANCE

No. **26-002**

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WITHDRAWN _____ LOST _____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 _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

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 HOVEY 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 Hovey 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 Hovey Avenue, whether said rights be those of dedication or any other public rights in said Hovey Avenue; and

Whereas the Right of Way Vacations 3A, 3B, 3C and 3D as described in Section 1 below, are combined in their totality to form the Right of Way Vacation 3 of Hovey 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 Right of Way Vacation 3A, a portion of Hovey Avenue for Tax Lot 17, Block 2141, 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 Hovey 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:

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1. Along the westerly sideline of Hovey Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east, a distance of 560.00 feet to a point; thence
2. Across Hovey Avenue, south 57 degrees, 29 minutes, 33 seconds east, a distance of 25.00 feet to a point on the centerline of Hovey Avenue; thence
3. Along the centerline of Hovey Avenue, south 32 degrees, 30 minutes, 27 seconds west, a distance of 560.00 feet to a point; thence
4. Along the northerly sideline of McGrath Avenue and across Hovey Avenue, north 57 degrees, 29 minutes, 33 seconds west, a distance of 25.00 feet to a point or place of beginning.

Containing 14,000 square feet or 0.3214 acres of land.

Description of Right of Way Vacation 3B, a portion of Hovey Avenue for Tax Lot 10, Block 2154, Township of Hamilton, Mercer County, New Jersey

Beginning at a point on the westerly sideline of Hovey Avenue (50' wide right of way) where the same is intersected with the northerly sideline of Phinney Avenue 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 Hovey Avenue, north 32 degrees, 30 minutes, 27 seconds east, a distance of 40.00 feet to a point; thence
2. Along the dividing line between the northerly side of Hovey Avenue and Tax Lot 10, Block 2154, south 50 degrees, 10 minutes, 36 seconds east, a distance of 25.20 feet to a point on the centerline of Hovey Avenue; thence
3. Along the centerline of Hovey Avenue south 32 degrees, 30 minutes, 27 seconds west, a distance of 36.79 feet to a point; thence
4. Across Hovey Avenue, north 57 degrees, 29 minutes, 33 seconds west, a distance of 25.00 feet to a point or place of beginning.

Containing 960 square feet or 0.0220 acres of land.

Description of Right of Way Vacation 3C, a portion of Hovey Avenue for Tax Lot 12.01, Block 2154, Township of Hamilton, Mercer County, New Jersey

Beginning at a point on the easterly sideline of Hovey Avenue (50' wide right of way) where the same is intersected with the dividing line between Tax Lot 12.01, 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 easterly sideline of Hovey Avenue and Tax Lot 12.01, Block 2154, south 32 degrees, 30 minutes, 27 seconds west 83.58 feet to a point; thence

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2. Across Hovey Avenue, north 57 degrees, 29 minutes, 33 seconds west 25.00 feet to a point on the centerline of Hovey Avenue; thence
3. Along the centerline of Hovey Avenue, north 32 degrees, 30 minutes, 27 seconds east, a distance of 86.79 feet to a point; thence
4. Along the dividing line between northerly sideline of Hovey Avenue and Tax Lot 10, Block 2154, south 50 degrees, 10 minutes, 36 seconds east, a distance of 25.21 feet to a point or place of beginning.

Containing 2,130 square feet or 0.0489 acres of land.

Description of Right of Way Vacation 3D, a portion of Hovey Avenue for Tax Lot 89, Block 2154, 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 easterly sideline of Hovey 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 Hovey Avenue, north 57 degrees, 29 minutes, 33 seconds west, a distance of 25.00 feet to a point on the centerline of Hovey Avenue; thence
2. Along the centerline of Hovey Avenue, north 32 degrees, 30 minutes, 27 seconds east, a distance of 510.00 feet to a point; thence
3. Across Hovey Avenue, south 57 degrees, 29 minutes, 33 seconds east, a distance of 25.00 feet to a point; thence
4. Along the easterly sideline of Hovey Avenue, south 32 degrees, 30 minutes, 27 seconds west, a distance of 510.00 feet to a point or place of beginning.

Containing 12,750 square feet or 0.2927 acres of land.

Whereas the above Right of Way Vacations in combination form the following:

Description of Right of Way Vacation 3, a portion of Hovey Avenue, Hamilton Township, 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 easterly sideline of Hovey 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, a distance of 50.00 feet to a point; thence
2. Along the westerly sideline of Hovey Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 600.00 feet to a point; thence

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3. Along the dividing line between Hovey Avenue and Tax Lot 10, Block 2154, south 50 degrees, 10 minutes, 36 seconds east 50.41 feet to a point; thence

4. Along the easterly sideline of Hovey Avenue, south 32 degrees, 30 minutes, 27 seconds west 593.38 feet to a point or place of beginning.

Containing 29,840 square feet or 0.6850 acres of land.

SECTION 2: The Township of Hamilton by vacation of the public rights in Hovey 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. PAPER0, JR	✓						PASQUALE V. PAPER0, 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 _____