

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

**ORDINANCE**

No. **26-003**

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WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_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 PHINNEY 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 Phinney 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 Phinney Avenue, whether said rights be those of dedication or any other public rights in said Phinney Avenue; and

*Whereas* the Road Dedications 2A and 2B as described in Section 1 below, are combined in their totality to form the Right of Way Vacation 2 of Phinney 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 2A**, a portion of Phinney Avenue for Tax Lot 17, Block 2141, Township of Hamilton, Mercer County, New Jersey

Beginning at a point on the easterly sideline of Benson Avenue (50' wide right of way) where the same is intersected with the southerly sideline of Phinney 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 easterly sideline of Benson Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 25.00 feet to a point on the centerline of Phinney Avenue; thence

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2. Along the centerline of Phinney Avenue, south 57 degrees, 29 minutes, 33 seconds east 200.00 feet to a point; thence
3. Along the westerly sideline of Hovey Avenue and across Phinney Avenue, south 32 degrees, 30 minutes, 27 seconds west 25.00 feet to a point; thence
4. Along the southerly sideline of Phinney Avenue, north 57 degrees, 29 minutes, 33 seconds west 200.00 feet to a point or place of beginning.

Containing 5,000 square feet or 0.1148 acres of land.

**Description of Roadway Dedication 2B**, a portion of Phinney Avenue for Tax Lot 10, Block 2154, Township of Hamilton, Mercer County, New Jersey

Beginning at a point on the northerly sideline of Phinney 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 the 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, 2027, as map #302A; and runs thence:

1. Along the northerly sideline of Phinney Avenue, south 57 degrees, 29 minutes, 33 seconds east 200.00 feet to a point; thence
2. Along the westerly sideline of Hovey Avenue and across Phinney Avenue, south 32 degrees, 30 minutes, 27 seconds west 25.00 feet to a point on the centerline of Phinney Avenue; thence
3. Along the centerline of Phinney Avenue, north 57 degrees, 29 minutes, 33 seconds west 200.00 feet to a point; thence
4. Along the easterly sideline of Benson Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 25.00 feet to a point or place of beginning.

Containing 5,000 square feet or 0.1148 acres of land.

**Whereas the above Road Dedications in combination form the following:**

**Description of Right of Way Vacation 2**, a portion of Phinney Avenue, Township of Hamilton, Mercer County, New Jersey

Beginning at a point on the northerly sideline of Phinney 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 Phinney Avenue, south 57 degrees, 29 minutes, 33 seconds east 200.00 feet to a point; thence
2. Along the westerly sideline of Hovey Avenue and across Phinney Avenue, south 32 degrees, 30 minutes, 27 seconds west 50.00 feet to a point; thence

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3. Along the southerly sideline of Phinney Avenue, north 57 degrees, 29 minutes, 33 seconds west 200.00 feet to a point; thence

4. Along the easterly sideline of Benson Avenue and across Phinney Avenue, north 32 degrees, 30 minutes, 27 seconds east 50.00 feet to a point or place of beginning.

Containing 10,000 square feet or 0.2296 acres of land.

**SECTION 2:** The Township of Hamilton by vacation of the public rights in Phinney 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 \_\_\_\_\_