

**TOWNSHIP OF WARREN  
ORDINANCE NO.: 24-08**

**An Ordinance Of The Township of Warren, County Of Somerset, State Of New Jersey, Vacating An Existing 25' Pedestrian Trail Easement As Depicted on Filed Map 2830 And Accepting Newly Relocated 25' Pedestrian Trail Easement As Depicted On The Major Subdivision Plan/Final Plat For Block 96, Lots 18, 19.07 And 20.01**

**Whereas**, 17 Old Church Road, LLC, (“Applicant”) filed Application Case No.: PB 22-02F with the Township of Warren Planning Board (“Board”) for final major subdivision approval to subdivide three (3) existing lots, identified on the Tax Map of the Township as Block 96, Lots 18, 19.07, and 20.01, located on Old Church Road and Helen Street, into six (6) conforming single family residential lots to be identified as Block 96, Lots 18.01, 18.02, 18.03, 19.21, 19.22, and 19.23; and

**Whereas**, on February 26, 2024, the Board adopted a memorializing Resolution approving the Application; and

**Whereas**, the Major Subdivision/Final Plat approved by the Board requires the vacation of an existing 25' Pedestrian Trail Easement as depicted on filed Map 2830 and the acceptance of a newly relocated 25' Pedestrian Trail Easement as depicted on the Major Subdivision/Final Plat for Block 96, Lots 18, 19.07 and 20.01; and

**Whereas**, the approval of the Board requires the Applicant to obtain approval from the Township Committee for the vacation of the existing 25' Pedestrian Trail Easement and the acceptance of the newly relocated 25' Pedestrian Trail Easement; and

**Whereas**, N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19 authorize a municipality by ordinance to release and extinguish the public right arising from the dedication of property upon a determination by the governing body that the public interest will be better served by releasing the lands from such dedications; and

**Whereas**, the Township Committee believes it is in the best interest of the public to vacate the existing 25' Pedestrian Trail Easement and accept the newly relocated 25' Pedestrian Trail Easement as approved by the Board.

**Now, Therefore, Be It Ordained** by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, as follows:

**Section 1.** The rights of the public and the Township of Warren to the existing 25' Pedestrian Trail Easement as depicted on filed Map 2830 are hereby extinguished and vacated as depicted on the Major Subdivision/Final Plat for Block 96, Lots 18, 19.07 and 20.01 and as set forth in the Property Description prepared by Kenny L. Kennon, P.L.S., attached hereto as **Exhibit A**.

**Section 2.** The vacation set forth herein is expressly contingent and subject to the filing and perfection of the Major Subdivision/Final Plat for Block 96, Lots 18, 19.07 and 20.01, prepared by Kenny L. Kennon, P.L.S., as approved by the Board, depicting the newly relocated 25' Pedestrian Trail Easement and the provision of a Pedestrian Trail Easement by the property owners in a form approved by the Township Attorney.

**Section 3.** Pursuant to N.J.S.A. 40:67-1(b), there is expressly reserved and excepted from this vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-

13, and by any cable television company, as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under that portion of the property being vacated.

**Section 4.** There is also expressly reserved and excepted from this vacation all rights and privileges now possessed by the Township of Warren and the Township of Warren Municipal Utilities Authority in and to any sanitary sewer or storm drainage structures, or easements, in, adjacent to, over or under any property or any part thereof hereby being vacated.

**Section 5.** The Mayor and Township Clerk are hereby authorized to execute on behalf of the Township of Warren all documents consistent with this Ordinance for the vacation and relocation of the existing 25’ Pedestrian Trail Easement and preservation of any applicable easements in favor of the Township.

**Section 6.** The Township Clerk shall publish this Ordinance in accordance with the requirements set forth in N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6. The Ordinance after being introduced and having passed a first reading shall be published at least once not less than ten (10) days prior to the time fixed for further consideration and final passage. At least seven (7) days prior to the time fixed for further consideration and final passage of this Ordinance, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where this Ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by this Ordinance to his or her last known post office address.

**Section 7.** Pursuant to N.J.S.A. 40:67-21, the Township Clerk shall within sixty (60) days after the effective date of this Ordinance, record a certified copy of this Ordinance, under the seal of the Township, together with a copy of the proof of publication thereof, in the office of the Somerset County Clerk.

**Section 8.** In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

**Section 9.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

**Section 10.** This Ordinance shall take effect upon its adoption, publication and recording with the Somerset County Clerk and the filing/perfection of the Major Subdivision/Final Plat for Block 96, Lots 18, 19.07 and 20.01, prepared by Kenny L. Kennon, P.L.S., as approved by the Board, depicting the newly relocated 25’ Pedestrian Trail Easement.

ATTEST:

TOWNSHIP OF WARREN

\_\_\_\_\_  
Cathy Reese, RMC

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Victor J. Sordillo, Mayor

INTRODUCED: March 14, 2024

ADOPTED: April 11, 2024

EFFECTIVE: April 18, 2024