

**TOWNSHIP OF WARREN  
ORDINANCE NO.: 24-07**

**An Ordinance Of The Township of Warren, County Of Somerset, State Of New Jersey, Vacating A 3,656 SF/0.084 Acre Portion Of The Helen Street Cul-De-Sac Right Of Way To Become Part Of Block 96, Lot 18.01, 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 extension of Helen Street which currently terminates in a cul-de sac; and

**Whereas**, the approval of the Board requires the Applicant to obtain approval from the Township Committee for the vacation of a portion of the existing Helen Street cul-de-sac right of way; and

**Whereas**, the Township Engineer and Township Planner have reviewed the matter and confirmed this portion of the Helen Street cul-de-sac right of way is not needed for public use and may be vacated in conjunction with the extension of Helen Street; 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 that portion of the Helen Street cul-de-sac right of way consisting of a 3,656 sf/0.084 acre portion land abutting the property identified on the Township of Warren Tax Map as Block 96, Lot 18.01, 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 that certain portion of the Helen Street cul-de-sac right of way consisting of a 3,656 sf/0.084 acre portion of land abutting the property identified on the Township of Warren Tax Map as Block 96, Lot 18.01, are hereby extinguished, vacated and merged with Block 96, Lot 18.01, as depicted on the Major

Subdivision/ Final Plat for Block 96, Lots 18, 19.07 and 20.01 and 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.

**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 Helen Street 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 street 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 of the portion of Helen Street 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.

ATTEST:

TOWNSHIP OF WARREN

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Cathy Reese, RMC

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Victor J. Sordillo, Mayor

INTRODUCED: March 14, 2024

ADOPTED: April 11, 2024

EFFECTIVE: April 18, 2024