

EXPLANATION: This Ordinance authorizes and approves the vacation, release and extinguishment of the public rights-of-way identified as a portion of San Road adjacent to Block 86.01, Lot 30.01 on the Tax Map, Sheet No. 94, of the Township of Warren.

TOWNSHIP OF WARREN

ORDINANCE NO. 22-22

AN ORDINANCE VACATING THAT PORTION OF SAN ROAD ADJACENT TO BLOCK 86.01, LOT 30.01, TOWNSHIP OF WARREN.

WHEREAS, there exists in the Township of Warren, Somerset County, New Jersey, a road known as San Road, as shown on the Official Tax Map of the Township of Warren; and

WHEREAS, The Hollows at Warren, LLC (hereinafter referred to “**Hollows**”) applied to the Warren Township Planning Board (the “**Board**”) for Final Major Subdivision Approval (Phase II), Case PB 22-04, relating to property designated as Block 86.01, Lots 28.04, 29, and 30, also known as Lot 30.01, on the official Tax Map of the Township of Warren, more commonly known as San Road (the “**Application**”); and

WHEREAS, as part of its Application to the Board, Hollow’s requested that the Board recommend that the Township Committee approve of the vacation of a portion of San Road adjacent to Block 86.01, Lot 30.01 (the “**Property**”); and

WHEREAS, on September 12, 2022, the Board memorialized Resolution PB 22-04, approving of Hollow’s Application and recommending that the Township Committee vacate that portion of San Road; and

WHEREAS, a request to vacate that portion of San Road adjacent to the Property was made by counsel for Hollows; and

WHEREAS, N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19 authorize a municipality, by ordinance, to vacate, release and extinguish the public’s rights in any portion of a public street, highway, lane or alley, and any portion of property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

WHEREAS, the Township Engineer, in accordance with Resolution PB 22-04, has recommended the vacation of that portion of San Road; and

WHEREAS, the portion of San Road to be vacated, **RELEASED AND EXTINGUISHED** is more particularly described by a metes and bounds description entitled “Description of a portion of the San Road Right-of-Way as shown on ‘Final Plat – The Hollows at Warren – Phase 2...’, to be filed in the Somerset County Clerk’s office, dated 8 Apr 2022 and revised through 22 Jun 2022, prepared by Andre Schan, LS, Montville, NJ, in the Township of Warren, Somerset County, New Jersey, and identified as ‘Portion of R.O.W. to be vacated’ thereon.” attached hereto as **Exhibit A** and delineated on a map entitled “San Road R.O.W. Vacation Plan Lot 30.01 – Block 86.01 Township of Warren Somerset County New Jersey”

dated August 24, 2022 and prepared by Andre Schan of Schan Associates, P.L.S. N.J. Lic. No. 30749, attached hereto as **Exhibit B** (hereinafter the area to be vacated shall be referred to as the “**San Road Vacation Area**”); and

WHEREAS, the Township Committee of the Township of Warren does hereby determine that the San Road Vacation Area is no longer needed for public purposes; and

WHEREAS, the Township Committee of the Township of Warren, in accordance with the Board’s recommendation and the Township Engineer’s recommendation, does hereby determine that the vacation, release and extinguishment of the public rights-of-way of that portion of San Road, will better serve the public interest by promoting public safety.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, as follows:

1. Subject to the conditions set forth herein, the right of the public in and to the San Road Vacation Area are hereby released, extinguished and vacated.

2. The San Road Vacation Area shall be conveyed to the owner of, and shall merge, consolidate with, and become a part of the adjacent property identified as Block 86.01, Lot 30.01, as more particularly shown on the Official Map of the Township of Warren, as set forth below; and

3. Title to the lands vacated hereby shall revert to the fee simple property owners of the adjacent property as follows:

A. The public rights in and to that portion of the San Road Vacation Area, as indicated on **Exhibit A** and **Exhibit B** shall be extinguished, released and vacated, and that portion shall be conveyed to the owner of Block 86.01, Lot 30.01; and

4. Expressly reserved and excepted from this vacation Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13, and any cable television company as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair or replace existing utility facilities, if any, in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

5. Expressly reserved and excepted from this Ordinance are all rights and privileges heretofore possessed by the Township of Warren to own, maintain, repair or replace any sanitary sewer line in the San Road Vacation Area.

5. After introduction, this Ordinance shall be referred to the Board for review and comment pursuant to N.J.S.A. 40:55D-26, since the closing of a public street constitutes a change to the official zoning map pursuant N.J.S.A. 40:55D-32 and-33.

6. At least seven (7) days prior to the time fixed for consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance shall be considered for final passage, shall be given by the

Township Clerk by certified mail, return receipt requested, to the owners of all real property located within 200 feet in all directions of the subject property, as shown on the current Township Tax Map.

7. At least ten (10) days prior to the time fixed for final passage of this Ordinance, a copy of this Ordinance, together with a notice of its introduction and the time and place when it shall be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township, or printed in the County and circulating in the Township as required by N.J.S.A. 40:49-6.

8. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified under the seal of the Township to be a true copy thereof, together with proof of publication thereof, on the office of the Clerk of the County of Somerset in the book of vacations, in accordance with the provisions of N.J.S.A 40:67-1.

9. Prior to adoption of this Ordinance, a copy of this Ordinance shall be sent by the Township Clerk to the County of Somerset, the Borough of Watchung, and the Township of Green Brook as required by N.J.S.A. 39:4-8.

10. After passage and final adoption, the Township Clerk shall send a copy of this Ordinance to the Commissioner of the New Jersey Department of Transportation as required by N.J.S.A. 39:4:8.

11. This ordinance shall take effect upon final passage, adoption and publication according to law, and the recording of this Ordinance in the Office of the Somerset County Clerk.

12. If any section or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

ATTEST:

TOWNSHIP OF WARREN

Cathy Reese, Township Clerk

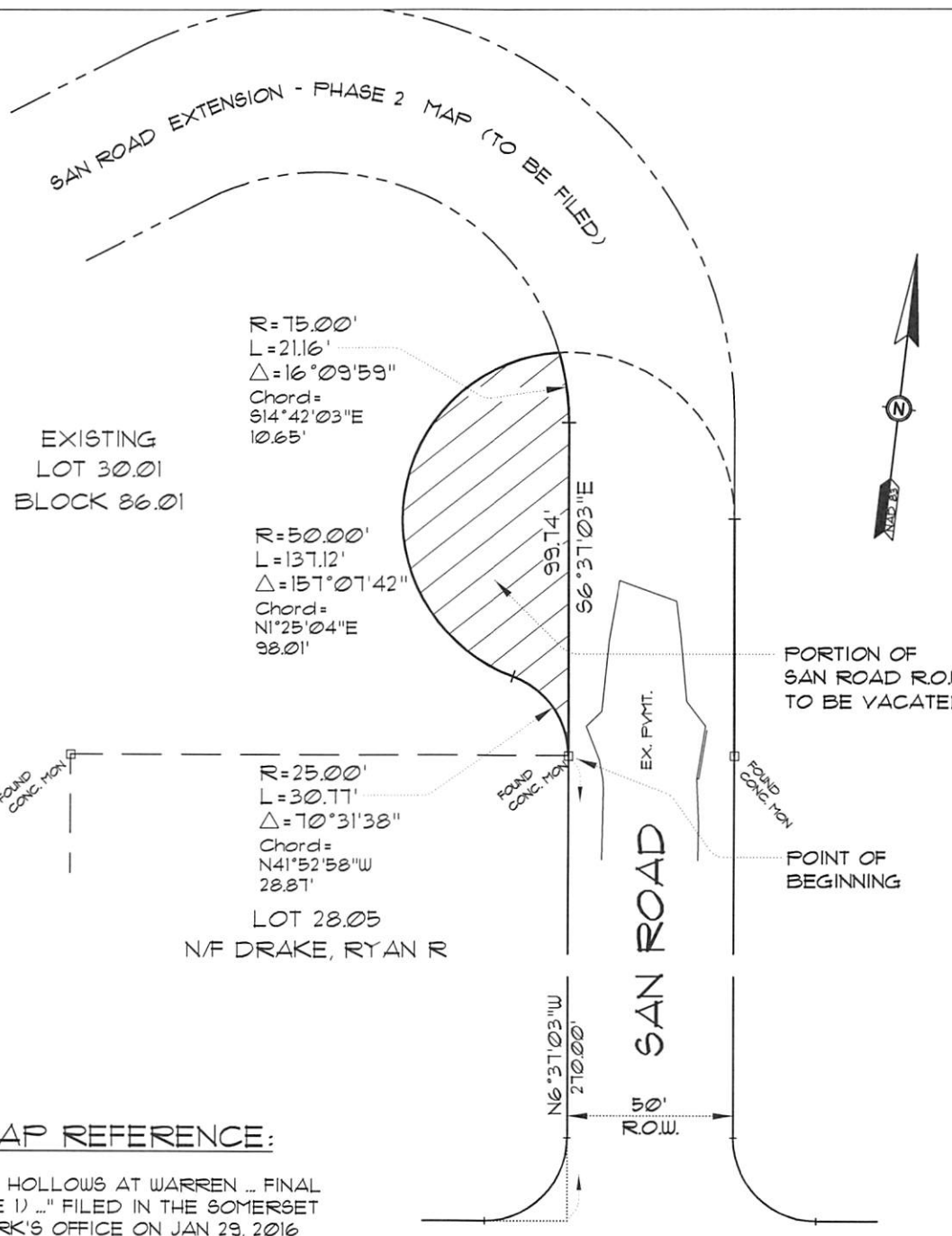
Victor Sordillo, Mayor

Introduced: October 20, 2022

Adopted: November 17, 2022

Effective: November 24, 2022

EXHIBIT A



FILED MAP REFERENCE:

MAP OF "THE HOLLOWES AT WARREN ... FINAL PLAT (PHASE 1) ..." FILED IN THE SOMERSET COUNTY CLERK'S OFFICE ON JAN 29, 2016 IN BOOK 6850 P. 1091

SAN ROAD R.O.W. VACATION PLAN
 LOT 30.01 - BLOCK 86.01
 ### SAN ROAD
 TOWNSHIP OF WARREN
 SOMERSET COUNTY NEW JERSEY

HILLCREST BOULEVARD

DATE: 24 AUG 2022

PROJECT No: 0893

SCALE: 1" = 50'

DWN/CHKD: AS



SCHAN ASSOCIATES
 LAND SURVEYING - CONSTRUCTION LAYOUT
 41 HORSENECK ROAD, MONTVILLE, NJ 07045
 PHONE/FAX: 973-541-1555

ANDRE SCHAN
 PROFESSIONAL LAND SURVEYOR NJ LIC. 30749

EXHIBIT B



**SCHAN
ASSOCIATES**

PROFESSIONAL LAND SURVEYORS/PLANNERS 41 HORSENECK ROAD, MONTVILLE, NEW JERSEY 07045 (973) 541-1555 FAX (973) 541-1555

MEMBER:
• NJSPLS

Description of a portion of the San Road Right-of-Way as shown on "Final Plat - The Hollows at Warren - Phase 2 ...", to be filed in the Somerset County Clerk's office, dated 8 Apr 2022 and revised through 22 Jun 2022, prepared by Andre Schan, LS, Montville, NJ, in the Township of Warren, Somerset County, New Jersey, and identified as "Portion of R.O.W. to be vacated" thereon.

Beginning at a point in the westerly line of San Road (50 feet wide right-of-way), said point being distant North 6 degrees 37 minutes 03 seconds West, a distance of 270.00 feet as measured northerly along said westerly line from the intersection of the projection of said westerly line with the projection of the northerly line of Hillcrest Boulevard

1. Along the westerly line of the San Road cul-de-sac, along a curve to the left having a radius of 25.00 feet and a central angle of 70 degrees 31 minutes 38 seconds, an arc length of 30.77 feet (chord = North 41 degrees 52 minutes 58 seconds West, a distance of 28.87 feet), to a point of reverse curvature, thence;
2. Still along said westerly line along a curve to the right having a radius of 50.00 feet and a central angle of 157 degrees 07 minutes 42 seconds, an arc length of 137.12 feet (chord = North 1 degree 25 minutes 04 seconds East, a distance of 98.01 feet, thence;
3. Southerly along the westerly line of the San Road extension as shown on said Final Plat Phase 2 along a curve to the right having a radius of 75.00 feet and a central angle of 16 degrees 09 minutes 59 seconds, an arc length of 21.16 feet (chord = South 14 degrees 42 minutes 03 seconds East, a distance of 10.65 feet), to a point of tangency, thence;
4. Still along said line of San Road extension South 6 degrees 37 minutes 03 seconds East, a distance of 99.74 feet to the Point of Beginning.



Andre Schan

date: 24 Aug 2022

Andre Schan, LS N.J. Lic. # GS30749