

**TOWNSHIP OF WARREN  
SOMERSET COUNTY, NEW JERSEY  
ORDINANCE NO. 23-02**

**AN ORDINANCE OF THE TOWNSHIP OF WARREN,  
SOMERSET COUNTY, NEW JERSEY, RELEASING,  
EXTINGUISHING AND VACATING ALL OF THE TOWNSHIP  
OF WARREN'S RIGHT, TITLE, AND INTEREST IN AND TO  
THAT UNIMPROVED STREET KNOWN AS WATCHUNG  
HEIGHTS AVENUE IN THE TOWNSHIP.**

**WHEREAS**, there exists in the Township of Warren, County of Somerset, State of New Jersey, an unimproved street known as Watchung Heights Avenue which is located adjacent to Block 208, Lots 4 and 10 as described in that Consolidation Deed, dated January 13, 2023, and recorded in the Somerset County Clerk's Office on January 26, 2023 in Book 7490, Pages 2917 to 2925 (the "Property"); and

**WHEREAS**, because of the Consolidation Deed, the Property is now known as Block 208, Lot 4; and

**WHEREAS**, Map # 105A filed on December 6, 1920 in the Somerset County Clerk's Office titled "Section One, Watchung Heights Park" made an irrevocable offer to the Township of Warren to dedicate Watchung Heights Avenue as a public street; and

**WHEREAS**, the owner of the Property requested that Watchung Heights Avenue be released, extinguished and vacated; and

**WHEREAS**, the Property is included in the Township of Warren Housing Element and Fair Share Plan, and in that settlement which became part of the Township of Warren a Judgment of Compliance and Continuing Immunity filed on September 19, 2019, as an inclusionary development consisting of forty-eight (48) low and moderate income units, along with one-hundred and forty-four (144) market rate units; and

**WHEREAS**, for this inclusionary development to be designed and constructed, the vacation of Watchung Heights Avenue is necessary thereby allowing the Township to meet a portion of its third round affordable housing obligation; and

**WHEREAS**, the Township of Warren desires not to accept the dedication of Watchung Heights Avenue because refusing the irrevocable offer of dedication will assist the Township in meeting a portion of its third round affordable housing obligation; and

**WHEREAS**, the Township Committee of the Township of Warren does hereby determine that Watchung Heights Avenue has not been accepted by the Township, is no longer needed for the public purposes contemplated by Map # 105A and that the public interest will be better served by releasing, extinguishing and vacating Watchung Heights Avenue as described in this Ordinance; and

**WHEREAS**, N.J.S.A. 40:67-1b and 40:67-19 authorize the Township of Warren to release, extinguish and vacate the public's rights, and the rights of the Township to Watchung Heights Avenue as described in that metes and bounds description prepared by Najarian Associates, dated November 21, 2022, and that "Boundary Survey, Watchung Heights Avenue (To be Vacated), Township of Warren, Somerset County, New Jersey", last revised January 27, 2023, both of which are attached to this Ordinance.

**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.** Subject to the conditions set forth in this Ordinance, the rights of the public and the Township of Warren in and to Watchung Heights Avenue as described in this Ordinance are hereby released, extinguished, and vacated.

**SECTION 2.** That Watchung Heights Avenue as described in this Ordinance and being vacated shall revert to and remain a part of Block 208, Lot 4.

**SECTION 3.** Expressly reserved and excepted from this vacation are all the rights and privileges now possessed by utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under that portion of Watchung Heights Avenue as described in this Ordinance to be vacated.

**SECTION 4.** This Ordinance is being adopted on the expressed condition that an inclusionary residential development be built by the Property owner on Block 208, Lots 4.

**SECTION 5.** At least seven (7) days prior to the time fixed for the 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 will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. The notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

**SECTION 6.** The Township Clerk or Attorney shall, within sixty (60) days of the adoption of this Ordinance, record a certified copy of this Ordinance under the seal of the Township of Warren, to be a true copy thereof, together with proof of publication thereof, in the office of the Somerset County Clerk, in accordance with the provisions of N.J.S.A. 40:67-21.

**SECTION 7.** If any article, section, subsection, paragraph, phrase, or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase, or sentence shall be deemed severable.

**SECTION 8.** This Ordinance shall become effective according to law and upon recording with the Somerset County Clerk's Office.

**ATTEST:**

**TOWNSHIP OF WARREN**

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Cathy Reese, RMC  
Township Clerk

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Gary DiNardo, Mayor

INTRODUCED: February 16, 2023

ADOPTED: March 16, 2023

EFFECTIVE: March 23, 2016

(Revised AEC February 3, 2023)