

**TOWNSHIP OF WARREN
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 23-18

**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 PORTION OF AN EXISITING 25 FOOT PEDESTRIAN
HIKING EASEMENT/TRAIL SHOWN ON FILED MAP 2830
RECORDED WITH THE SOMERSET COUNTY CLERK
BEING A PART OF BLOCK 96, LOT 19.07 IN THE
TOWNSHIP.**

WHEREAS, there exists in the Township of Warren, County of Somerset, State of New Jersey, a 25 foot wide pedestrian hiking easement/trail as shown on File Map 2830 recorded with the Somerset County Clerk ("First Hiking Trail"), and also part of Block 96, Lot 19.07 as shown on that Final Plat titled "Major Subdivision of Block 96: Lots 18, 19.07 and 20.01 (Tax Map Sheets 116 &117), Township of Warren, Somerset County, New Jersey" ("Final Plat"), prepared by Kenny L. Kennon, P.L.S., New Jersey Professional Land Surveyor Lic. No. 37195 ("Property") about to be recorded with the Somerset County Clerk's Office; and

WHEREAS, the owner of the Property requested that the portion of the First Hiking Trail within the Property be released, extinguished and vacated; and

WHEREAS, the Township Committee of the Township of Warren does hereby determine that the portion of the First Hiking Trail on the Property is no longer needed for the public purposes and that the public interest will be better served by releasing, extinguishing and vacating that portion of First Hiking Trail within the Property 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 Warren in that portion of the First Hiking Trail within the Property as described in that metes and bounds

description prepared by Kenny L. Kennon, P.L.S., New Jersey Professional Land Surveyor Lic. No. 37195, dated August 8, 2023, and as depicted on the Final Plat, both of which are attached to this Ordinance; and

WHEREAS, the Property owner shall convey to the Township of Warren a 25 foot pedestrian easement/trail on parts of Block 96, Lots 19.21, 19.22, 18.02 and 18.03 as described on that metes and bounds description prepared by Kenny L. Kennon, P.L.S., New Jersey Professional Land Surveyor Lic. No. 37195, dated August 8, 2023, and as depicted on the Final Plat (“Second Hiking Trail”), both of which are attached to this Ordinance; and

WHEREAS, through this Ordinance, the Hiking Trails are exchanged, relocating the Trails within the Property.

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 that portion of First Hiking Trail within the Property as described in this Ordinance are hereby released, extinguished, and vacated.

SECTION 2. That a portion of First Hiking Trail within the Property as described in this Ordinance and being vacated shall revert to and remain a part of Block 96, Lot 19.07.

SECTION 3. It is a condition of this Ordinance, that upon its adoption, that the Second Hiking Trail be conveyed to the Township of Warren.

SECTION 4. 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 First Hiking Trail within the Property as described in this Ordinance to be vacated.

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

Cathy Reese, Clerk

Gary DiNardo, Mayor

Introduction: August 17, 2023

Adoption: September 21, 2023

Effective: September 28, 2023