Explaination: This Ordinance vacates all of the right, title and interest of the Township of Warren in certain portions Dubois Road as currently identified on the Official Tax Map of the Township of Warren.

TOWNSHIP OF WARREN
ORDINANCE NO. 17-16

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO PORTIONS OF DUBOIS ROAD, AND REVERTING TITLE TO CONSOLIDATING THE VACATED AREA WITH ADJACENT PROPERTIES REGARDING A MINOR SUBDIVISION APPROVAL WITH CRC COMMUNITIES AT SLEEPY HOLLOW INC.

WHEREAS, there exist in the Township of Warren a street known as “Dubois Road” as shown on the Official Tax Map of the Township of Warren; and

WHEREAS, a request has been made to vacate certain portions of Dubois Road in connection with the approval by the Warren Township Planning Board of an application for minor subdivision approval with variance relief subject to certain conditions (the "Application") of CRC Communities at Sleepy Hollow, Inc.; and

WHEREAS, the portion of Dubois Road to be vacated is described in the "Metes and Bounds Description Portion of Dubois Road to be Vacated Township of Warren, Somerset County, New Jersey" dated July 24, 2017 prepared by Fisk Associates, P.A., attached hereto as Exhibit A; and

WHEREAS, the vacated portions of Dubois Road, as more fully described above, shall be merged with the new lots proposed to be created by the Application (the "Proposed New Lots"), which Proposed New Lots shall be created upon the filing of deeds or a map in conformity with the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., as required by the Warren Township Planning Board Resolution approving the Application (the "Resolution of Approval"); and

WHEREAS, the Township Committee of the Township of Warren does hereby determine that the portions of the Dubois Road to be vacated as described herein are and will no longer be needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release and extinguish the rights of the public and the rights of the Township in and to the portions of Dubois Road to be vacated as set forth herein, and as depicted on the Proposed Minor Subdivision and Variance Plan dated December 20, 2016 prepared by Fisk Associates P.A. and annexed hereto as Exhibit B.

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

SECTION 1. The rights of the public and the rights of the Township in and to the portions of Dubois Road to be vacated as more fully described in Exhibit A and as depicted on Exhibit B attached hereto are hereby extinguished and vacated.
ORDINANCE NO. 17-16

SECTION 2. There is expressly reserved and excepted from 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 the street or any part thereof to be vacated.

SECTION 3. There is also expressly reserved and excepted from vacation any sanitary sewer or drainage structures and any easements in, adjacent to, over or under Dubois Road, or portion thereof, to be vacated.

SECTION 4. The Mayor and Township Clerk are hereby authorized to execute any and all documents consistent with this Ordinance for the vacation of portions of Dubois Road.

SECTION 5. After this Ordinance has been introduced and passed a first reading, the Township Clerk shall cause this Ordinance to be published in the manner set forth in N.J.S.A. 40:49-2 not less than ten (10) days instead of one week prior to the time fixed for further consideration for final passage.

SECTION 6. 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. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6, the cost of such mailing to be borne by CRC Communities at Sleepy Hollow, Inc.

SECTION 7. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by the Township Clerk under seal of the Township to be a true copy thereof, together with a copy of the 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.

ATTEST:  

________________________  ______________________________
Cathy Reese, RMC  Carolann Garafola  
Township Clerk  Mayor

INTRODUCED  September 7, 2017

ADOPTED  October 5, 2017

EFFECTIVE  October 12, 2017
EXHIBIT A

Fisk Associates, P.A.
Engineers, Surveyors & Planners
631 UNION AVENUE, MIDDLESEX, NJ 08846
Fiskassociates@aol.com

METES AND BOUNDS DESCRIPTION
PORTION OF DUBOIS ROAD
TO BE VACATED
TOWNSHIP OF WARREN,
SOMERSET COUNTY, NEW JERSEY

July 24, 2017

Beginning at a point being the intersection of the centerline of Dubois Road and the southerly sideline of Lot 35, Block 86.01.

From said beginning point thence,
1. South 83º 17' 21" West a distance of 7.26 feet to a point. Thence,
2. North 17º 24' 59" West a distance of 32.83 feet to a point of curve. Thence,
3. Along a curve to the right having a radius of 145.00 feet, a central angle of 01º 45' 38"", a chord bearing and distance of North 16º 32' 10" West 4.46 feet, an arc length of 4.46 feet to a point. Thence,
4. North 02º 56' 39" West a distance of 63.81 feet to a point. Thence,
5. Along a curve to the right having a radius of 145.00 feet, a central angle of 16º 08' 33"", a chord bearing and distance of North 17º 50' 20" East a distance of 40.72 feet, an arc length of 40.85 feet to a point of reverse curve. Thence,
6. Along a curve to the left having a radius of 325.00 feet, a central angle of 03º 37' 16"", a chord bearing and distance of North 24º 05' 58" East 20.54 feet, an arc length of 20.54 feet to a point. Thence,
7. North 83º 17' 21" East a distance of 9.24 feet to a point. Thence,
8. South 02º 56' 39" East a distance of 155.34 feet to a point. Thence,
9. South 83º 17' 21" West a distance of 16.54 feet to the point and place of beginning.

Containing 4,388 square feet, or 0.1007
The above description in accordance with a minor subdivision plan prepared by Fisk Associates dated December 20, 2016, revised to 07/10/2017.

Prepared by:

[Signature]
Robert Gazzale, N.J. License No. 35363
Professional Engineer & Land Surveyor

W5668