

**RESOLUTION #2014 - 148**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING EXECUTION AND RECORDATION OF THE PROPOSED STORMWATER MANAGEMENT EASEMENT AGREEMENT AND SIGHT TRIANGLE EASEMENT AGREEMENT LOCATED AT 7-9 HOWARD BOULEVARD DESIGNATED AS BLOCK 61, LOT 39.01**

**WHEREAS**, QuickChek Corporation, having its principal place of business at 3 Old Highway 28, P.O. Box 600, Whitehouse Station, New Jersey 08889; and having its business location at 7-9 Howard Boulevard in the Borough of Mount Arlington, County of Morris and State of New Jersey 07856, is the tenant and the developer of the property located at 7-9 Howard Boulevard, designated as Block 61, Lot 39.01; and

**WHEREAS**, Harvey Knight and Mount Arlington 9 Howard, LLC, an individual and limited liability company of the State of New Jersey, is the owner and landlord of certain real property located at 7-9 Howard Boulevard, designated as Block 61, Lot 39.01 on the official tax map of the Borough of Mount Arlington, County of Morris, State of New Jersey, with a mailing address of 232 Oakhill Road, Tannersville, PA 18372, consents to the Development and conditions set forth in the approvals and the Developer's Agreement; and

**WHEREAS**, a Resolution was approved on July 23, 2014 and memorialized on August 27, 2014 by the Borough of Mount Arlington Land Use Board, which Resolution, including all conditions set forth therein, are incorporated by reference within this Resolution as if same were set forth at length herein, for the property located at 7-9 Howard Boulevard, designated as Block 61, Lot 39.01 on the official tax map of the Borough of Mount Arlington, County of Morris, State of New Jersey, granting preliminary and final site plan approval with bulk variance relief and design waivers to allow for the construction of a QuickChek food store with fuel sales; and

**WHEREAS**, in accordance with the approvals and the Borough of Mount Arlington Land Use and Zoning Ordinances, is required to record for the benefit of the Borough a Stormwater Management Easement Agreement, which includes a copy of the above-referenced Resolution; a Drainage Plan, prepared by Bohler Engineering, revised through September 15, 2014; and the "Stormwater Management Facility Operations and Maintenance Manual", prepared by Bohler Engineering, dated October 21, 2014; a copy of each is incorporated herein at length by reference; and attached hereto as **SCHEDULE A**; and

**WHEREAS**, in accordance with the approvals and the Borough of Mount Arlington Land Use and Zoning Ordinances, is required to record for the benefit of the Borough a Sight Triangle Easement Agreement, which includes a proposed Sight Easement Sketch, prepared by Control Point Associates, Inc., dated October 28, 2014; and a Metes and Bounds Description, prepared by Control Point Associates, Inc., dated October 28, 2014, a copy of each is incorporated herein at length by reference; and attached hereto as **SCHEDULE B**; and

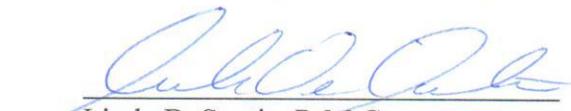
**WHEREAS**, the Borough of Mount Arlington Borough Engineer; the Borough Planning Board Attorney; and the Borough Attorney reviewed the above-referenced agreements and conveyance documents; and

**WHEREAS**, in order to effectuate the acceptance of the property, the proposed agreements and conveyance documents are required to be recorded in the Morris County Clerk's Office; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Mount Arlington reviewed the above-referenced agreements and conveyance documents and recommends the documents be recorded by the Borough Attorney in the office of the Morris County Clerk; and upon receipt of the recorded documents, originals provided to the Borough Clerk.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF MOUNT ARLINGTON THAT** the Stormwater Management Easement Agreement and the Sight Triangle Easement Agreement is approved; and the Mayor and the Borough Administrator are authorized to execute and cause to be recorded by the Borough Attorney the agreement and conveyance documents. The Borough Administrator and the Borough Attorney shall be authorized and empowered to sign any and all documents required to effectuate the recordation of the agreement and conveyance documents.

This is to certify that the above is a true and correct copy of a resolution adopted by the Borough of Mount Arlington at a meeting held on December 16, 2014.



Linda DeSantis, R.M.C.  
Borough Clerk