

ORDINANCE NO.: 02 - 17

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION AND RECORDATION OF THE PROPOSED DEED OF ROADWAY DEDICATION OF PROPERTY LOCATED AT BLOCK NO. 63, A PORTION OF LOT 2 FOR ROAD WIDENING ALONG HOWARD BOULEVARD TO MORRIS COUNTY

WHEREAS, the County of Morris desires to maintain the portion of Howard Boulevard, recently widened and improved, located in Block 63, as a portion of Lot 2, as described in the Right of Way Dedication Exhibit for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as **Schedule A**; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as **Schedule B**, a copy of each is incorporated herein at length by reference; and

WHEREAS, the Borough of Mount Arlington desires to convey to the County of Morris a tract of land located in Block 63, as a portion of Lot 2, in a Deed of Dedication for Roadway Right of Way for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as **Schedule A**; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as **Schedule B**, a copy of each is incorporated herein at length by reference; and

WHEREAS, the Borough of Mount Arlington Borough Engineer, the Borough Attorney, the Morris County Counsel and the Morris County Engineer reviewed the above-referenced conveyance documents, a copy of which is incorporated herein at length by reference; and

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

WHEREAS, the Mayor and Borough Council of the Borough of Mount Arlington reviewed the above-referenced conveyance documents and recommends the documents be recorded in the office of the Morris County Clerk; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, authorizes municipalities to transfer real property; and

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that pursuant to N.J.S.A. 40A:12-13 the Borough of Mount Arlington is authorized to execute, and cause to be recorded by the County of Morris along with

a memorialized copy of this Ordinance, the proposed Deed of Dedication for Roadway Right of Way located in Block 63, as a portion of Lot 2, as described in the Right of Way Dedication Exhibit for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as **Schedule A**; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as **Schedule B**, a copy of each is incorporated herein at length by reference.

BE IT FURTHER ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the documents be executed and provided to the County of Morris for recordation. The Borough Mayor, Administrator and the Borough Attorney shall be authorized and empowered to sign any and all documents required to effectuate the conveyance of this parcel.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. 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 separable.

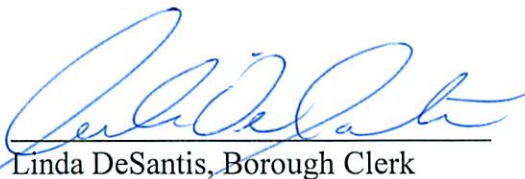
SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on February 7, 2017 and will be further considered after a Public Hearing held on March 7, 2017 at the Municipal Building at 7:00 P.M.


INTRODUCED:

PUBLISHED:

ATTEST:


Linda DeSantis, Borough Clerk

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Michael Stanzilis, Mayor

RECORD AND RETURN TO:
The Office of the Morris County Counsel
Administration & Records Building
Court Street
P.O. Box 900
Morristown, New Jersey 07963-0900

DEED OF ROADWAY DEDICATION

This indenture, made this _____ day of _____, 2017.

By and Between THE BOROUGH OF MOUNT ARLINGTON, in the County of Morris, a Municipal Corporation of the State of New Jersey, whose post office address is 419 Howard Boulevard, Mount Arlington, New Jersey 07856, hereinafter referred to as the Grantor,

And THE COUNTY OF MORRIS, in the County of Morris, State of New Jersey, whose post office address is Court Street, P.O. Box 900, Morristown, New Jersey 07963-0900, hereinafter referred to as the Grantee.

Witnesseth:

The Grantor, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, does hereby give, grant, and convey to the Grantee, its successors and assigns forever, a Deed of Roadway Dedication, as further described in the Right of Way Dedication Exhibit for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as **Schedule A**; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as **Schedule B**.

Being and intended to describe a portion of Howard Boulevard, Block 63, a portion of Lot 2, as a Roadway Dedication, conveyed to the Grantee for the purpose of a proposed Roadway Right of Way.

To Have and to Hold the above granted Roadway Dedication unto the said Grantee, its successors and assigns forever.

Grantor does covenant with the said Grantee that it is lawfully seized of the land and has good and lawful right to convey any part thereof.

And the Grantor does covenant with the said Grantee as follows:

1. That the said Grantor has good and marketable title to the premises detailed in **Schedule A** and **Schedule B**, attached hereto and made a part hereof.
2. That the Grantee shall quietly enjoy the said property without disturbance and interference.
3. That the said property is free and clear from encumbrances.

Promises by the Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a 'covenant as to a grantor's acts' (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The parties have signed this Deed of Roadway Dedication as of the date at the top of the first page by their authorized representatives.

In Witness Whereof, the said Grantor has caused these presents to be signed and sealed the day and year first above written.

WITNESS:

THE BOROUGH OF MOUNT ARLINGTON


Linda DeSantis, Borough Clerk


BY: Michael Stanzilis, Mayor

STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

I CERTIFY that on March 8, 2017, Mayor Michael Stanzilis, personally came before me and stated to my satisfaction, that this person:

- (a) is the maker of the Deed;
- (b) executed this Deed as the Mayor of the Borough of Mount Arlington, the Grantor named in this Deed as its voluntary act, and was duly authorized to execute this Deed accordance to ordinance; and
- (c) made this Deed for \$1.00 (one dollar and 00/100) as the full and actual consideration paid or to be paid for the transfer of title (such consideration is defined by N.J.S.A. 46:15.5).


NOTARY PUBLIC OF THE STATE OF NJ
MY COMMISSION EXPIRES:

RECORD AND RETURN TO:

The Office of the Morris County Counsel
Administration & Records Building
Court Street
P.O. Box 900
Morristown, New Jersey 07963-0900

Linda DeSantis
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 02/02/2022

DESCRIPTION OF LAND

PORION OF TAX LOT 2 in BLOCK 63

TO BE CONVEYED by THE BOROUGH OF MT. ARLINGTON TO MORRIS COUNTY
(FOR ROAD WIDENING OF HOWARD BOULEVARD)

BOROUGH OF MT. ARLINGTON, MORRIS COUNTY, NEW JERSEY

BEGINNING at a point in the Easterly right of way line of Howard Boulevard, a 49.5 feet (3 rod) wide right of way as per Road Return Book D Page 568, said point being distant the following three courses from a large white oak tree standing at the beginning corner of lands conveyed by Daniel Schafer and Augusta Schafer, his wife to Lettie Speaker by deed dated April 12, 1896 and recorded July 26, 1896 in the Morris County Clerk's Office in Deed Book B-13 Page 285, running, thence;

- A) Along the division line between Tax Lot 6 and Lot 3.02 in Block 61 and through the right of way of Howard Boulevard, **North 25 degrees 13 minutes 41 seconds East 338.58 feet** to a point in the easterly right of way line of Howard Boulevard, thence;
- B) Along said easterly right of way line, **North 32 degrees 15 minutes 29 seconds West 10.53 feet** to a point of curvature, thence;
- C) Continuing along said easterly right of way line, along a curve to the right, having a **radius of 325.25 feet, an arc length of 15.80 feet and a central angle of 02 degrees 47 minutes 00 seconds** to the point and place of **BEGINNING**, running;

Thence the following seven (7) courses along the existing easterly right of way line of Howard Boulevard;

- 1) Continuing along said curve to the right, having a **radius of 325.25 feet, an arc length of 46.07 feet and a central angle of 08 degrees 06 minutes 54 seconds** to a point of tangency, thence;
- 2) **North 21 degrees 21 minutes 35 seconds West 16.93 feet** to a point of curvature, thence;
- 3) Along a curve to the right, having a **radius of 150.25 feet, an arc length of 173.18 and a central angle of 66 degrees 02 minutes 26 seconds** to a point of tangency, thence;
- 4) **North 44 degrees 40 minutes 51 seconds East 132.05 feet** to a point of curvature, thence;
- 5) Along a curve to the left, having a **radius of 574.75 feet, an arc length of 32.36 feet and a central angle of 03 degrees 13 minutes 32 seconds** to a point of tangency, thence;
- 6) **North 41 degrees 27 minutes 19 seconds East 5.62 feet** to a point or curvature, thence;
- 7) Along a curve to the left, having a **radius of 564.75 feet, an arc length of 77.87 feet and a central angle of 07 degrees 54 minutes 01 seconds** to a point, thence leaving said easterly right of way line of Howard Boulevard and along the following three (3) courses through Tax Lot 2 in Block 63;

- 8) Along a curve to the right, having a radius of 272.87 feet, an arc length of 83.62 feet, a central angle of 17 degrees 33 minutes 26 seconds and a chord bearing and distance of South 31 degrees 13 minutes 42 seconds West 83.29 feet to a point of tangency, thence;
- 9) South 40 degrees 00 minutes 25 seconds West 142.68 feet to a point of curvature, thence;
- 10) Along a curve to the left, having a radius of 222.89 feet, an arc length of 234.66 feet and a central angle of 60 degrees 19 minutes 23 seconds to the point and place of BEGINNING.

Containing 7,339 square feet of land, more or less.

The above description is drawn in accordance with a certain map entitled, "Realignment of Howard Boulevard at Oneida Avenue, Borough of Mt. Arlington, Morris County, New Jersey, Right of Way Dedication Exhibit," prepared by CP Engineering, LLC, dated 02.23.16.

Derek J. Kennedy Date
Professional Land Surveyor
New Jersey Lic. No. GS43271

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY } SS County Municipal Code

COUNTY OF MORRIS

1426

FOR RECORDER'S USE ONLY

Consideration \$ _____
RTF paid by Seller \$ _____
Date _____ By _____

MUNICIPALITY OF PROPERTY LOCATION; Borough of Mt Arlington *Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (Instructions #3 and #4 on reverse side)

Deponent, Borough of Mt Arlington being duly sworn according to law upon his/her oath,
deposes and says that he/she is the GRANTOR in a deed dated 2017 transferring
(Grantee, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number 63 Lot number Portion of 2 located at
Howard Boulevard, Mt. Arlington, New Jersey 07856 and annexed thereto.

(2) CONSIDERATION \$1.00 (Instructions #1 and #5 on reverse side)

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(Instructions #5A and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

\$ _____ + _____ % = \$ _____

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(b) By or to the United States of America, this State, or any instrumentality, agency or subdivision;

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fee, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over. * (Instruction #9 on reverse side for A or B) *
- B. {BLIND PERSON Grantor(s) ☐ legally blind or; *
- {DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ receiving disability payments ☐ not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- ☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey.
- ☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

*IN THE CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- ☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
- ☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION (Instruction #2, #10 and #12 on reverse side)

- ☐ Entirely new improvement. ☐ Not previously occupied.
- ☐ Not previously used for any purpose. ☐ "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instruction #5, #12, #14 on reverse side)

- ☐ No Prior mortgage assumed or to which property is subject at time of sale.
- ☐ No contributions to capital by either grantor or grantee legal entity.
- ☐ No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this _____ Day of _____ 2017

Signature of Deponent

Borough of Mt Arlington

Grantor Name

INSTRUCTIONS FOR FILING FORM RTF-1, AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

1. STATEMENT OF CONSIDERATION AND REALTY TRANSFER FEE PAYMENT ARE PREREQUISITES FOR DEED RECORDING

No county recording officer shall record any deed evidencing transfer of title to real property unless (a) the consideration is recited in the deed, or (b) an Affidavit by one or more of the parties named in the deed or by their legal representatives declaring the consideration is annexed for recording with the deed, and (c) for conveyances and transfers of property for which the total consideration recited in the deed is not in excess of \$350,000, a fee is remitted at the rate of \$2.00/\$500 of consideration or fractional part thereof not in excess of \$150,000; \$3.35/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; and \$3.90/\$500 of consideration or fractional part thereof in excess of \$200,000. For transfers of property for which the total consideration recited in the deed is in excess of \$350,000, a fee is remitted at the rate of \$2.90/\$500 of consideration or fractional part not in excess of \$150,000; \$4.25/\$500 of consideration or fractional part thereof in excess of \$150,000 but not in excess of \$200,000; \$4.80/\$500 of consideration or fractional part thereof in excess of \$200,000; \$5.30/\$500 of consideration or fractional part thereof in excess of \$550,000 but not in excess of \$850,000; \$5.80/\$500 of consideration or fractional part thereof in excess of \$850,000 but not in excess of \$1,000,000; and \$6.05/\$500 of consideration or fractional part thereof in excess of \$1,000,000, which fee shall be paid in addition to the recording fees imposed by Chapter 123, P.L. 1965, Section 2 (C. 22A:4-4.1) as amended by Chapter 370, P.L. 2001, through Chapter 66, P.L. 2004, which fee shall be paid to the county recording officer at the time the deed is offered for recording/transfer. Of these fees, \$.75/\$500 of consideration or fractional part in excess of \$150,000 paid to the State Treasurer is credited to the Neighborhood Preservation Nonlapsing Revolving Fund.

2. WHEN AFFIDAVIT MUST BE ANNEXED TO DEED

This Affidavit must be annexed to and recorded with all deeds when entire consideration is not recited in deed or the acknowledgement or proof of the execution, when the grantor claims a total or partial exemption from the fee, Class 4 property that includes commercial, industrial, or apartment property, and for transfers of "new construction." (See Instructions #10 and #12 below.)

3. LEGAL REPRESENTATIVE

"Legal representative" is to be interpreted broadly to include any person actively and responsibly participating in the transaction, such as, but not limited to: an attorney representing one of the parties; a closing officer of a title company or lending institution participating in the transaction; a holder of power of attorney from grantor or grantee.

4. OFFICER OF CORPORATE GRANTOR/OFFICER OF TITLE COMPANY OR LENDING INSTITUTION

Where a deponent is an officer of corporate grantor, state the name of corporation and officer's title or where a deponent is a closing officer of a title company or lending institution participating in the transaction, state the name of the company or institution and officer's title.

5. CONSIDERATION

"Consideration" means in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. (Chapter 49, P.L. 1968, Section 1, as amended.)

5A. CLASS 4A "COMMERCIAL PROPERTIES" DEFINED

Class 4A "Commercial properties" as defined in N.J.A.C. 18:12-2.2 means "any other type of income-producing property other than property in classes 1, 2, 3A, 3B, and those properties included in classes 4B and 4C." A quarterly audit of all Class 4A sales submitted by the municipal assessor through the SR-1A/equalization process will determine whether a Class 4A transaction was recorded without proper documentation and the required Affidavits of Consideration.

6. DIRECTOR'S RATIO

"Director's Ratio" means the average ratio of assessed to true value of real property for each taxing district as determined by the Director, Division of Taxation, in the Table of Equalized Valuations promulgated annually on or before October 1 in each year pursuant to N.J.S.A. 54:1-35.1. The Table is used in the calculation and apportionment of distributions pursuant to the State School Aid Act of 1954.

7. EQUALIZED VALUE

"Equalized Value" means the assessed value of the property in the year that the transfer is made, divided by the Director's Ratio. The Table of Equalized Valuations is promulgated annually on or before October 1 in each year pursuant to N.J.S.A. 54:1-35.1.

(Example: Assessed Value = \$1,000,000; Director's Ratio = 80%. $\$1,000,000 \div .80 = \$1,250,000$)

8. FULL EXEMPTION FROM THE REALTY TRANSFER FEE (GRANTOR/GRANTEE)

The fee imposed by this Act shall not apply to a deed:

(a) For consideration of less than \$100; (b) By or to the United States of America, this State, or any instrumentality, agency or subdivision; (c) Solely in order to provide or release security for a debt or obligation; (d) Which confirms or corrects a deed previously recorded; (e) On a sale for delinquent taxes or assessments; (f) On partition; (g) By a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors; (h) Eligible to be recorded as an "ancient deed" pursuant to R.S. 46:16-7; (i) Acknowledged or proved on or before July 3, 1968; (j) Between husband and wife/civil union partners, or parent and child; (k) Conveying a cemetery lot or plot; (l) In specific performance of a final judgment; (m) Releasing a right of reversion; (n) Previously recorded in another county and full Realty Transfer Fee paid or accounted for as evidenced by written instrument, attested to by the grantee and acknowledged by the county recording officer of the county of such prior recording, specifying the county, book, page, date of prior recording, and amount of Realty Transfer Fee previously paid; (o) By an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State; (p) Recorded within 90 days following the entry of a divorce/dissolution decree which dissolves the marriage/civil union partnership between grantor and grantee; (q) Issued by a cooperative corporation, as part of a conversion of all of the assets of the cooperative corporation into a condominium, to a shareholder upon the surrender by the shareholder of all of the shareholder's stock in the cooperative corporation and the proprietary lease entitling the shareholder to exclusive occupancy of a portion of the property owned by the corporation.

9. PARTIAL EXEMPTION FROM THE REALTY TRANSFER FEE (C. 176, P.L. 1975; C. 113, P.L. 2003; C. 66 P.L. 2004)

The following transfers of title to real property shall be exempt from State portions of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable: 1. The sale of any one or two-family residential premises which are owned and occupied by a senior citizen, blind person, or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife/partners in a civil union couple, no exemption shall be allowed if the property being sold is owned as joint tenants and one or more of the owners is not a senior citizen, blind person, or disabled person; 2. The sale of Low and Moderate Income Housing conforming to the requirements as established by this Act.

For the purposes of this Act, the following definitions shall apply:

"Blind person" means a person whose vision in his better eye with proper correction does not exceed 20/200 as measured by the Snellen chart or a person who has a field defect in his better eye with proper correction in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20°.

"Disabled person" means any resident of this State who is permanently and totally disabled, unable to engage in gainful employment, and receiving disability benefits or any other compensation under any federal or State law.

"Senior citizen" means any resident of this State of the age of 62 or over.

"Low and Moderate Income Housing" means any residential premises, or part thereof, affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs occupied or reserved for occupancy by households with a gross income equal to 80% or less of the median gross household income for households of the same size within the housing region in which the housing is located, but shall include only those residential premises subject to resale controls pursuant to contractual guarantees.

"Resident of the State of New Jersey" means any claimant who is legally domiciled in this State when the transfer of the subject property is made.

Domicile is what the claimant regards as the permanent home to which he intends to return after a period of absence. Proofs of domicile include a New Jersey voter registration, motor vehicle registration and driver's license, and resident tax return filing.

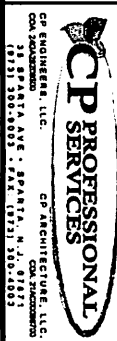
10. TRANSFERS OF NEW CONSTRUCTION

"New construction" means any conveyance or transfer of property upon which there is an entirely new improvement not previously occupied or used for any purpose. On transfers of new construction, the words "NEW CONSTRUCTION" shall be printed clearly at the top of the first page of the deed, and an Affidavit by the grantor stating that the transfer is of property upon which there is new construction shall be appended to the deed.

11. REALTY TRANSFER FEE IS A FEE IN ADDITION TO OTHER RECORDING FEES

**DEREK J. KENNEDY
& ASSOCIATES, LLC**
18 FOREST STREET
BRUNSWICK • NEW JERSEY, 07008
djkennedy@earthlink.net • (732) 646-6666
Certified of Independence Inc. #0000000000

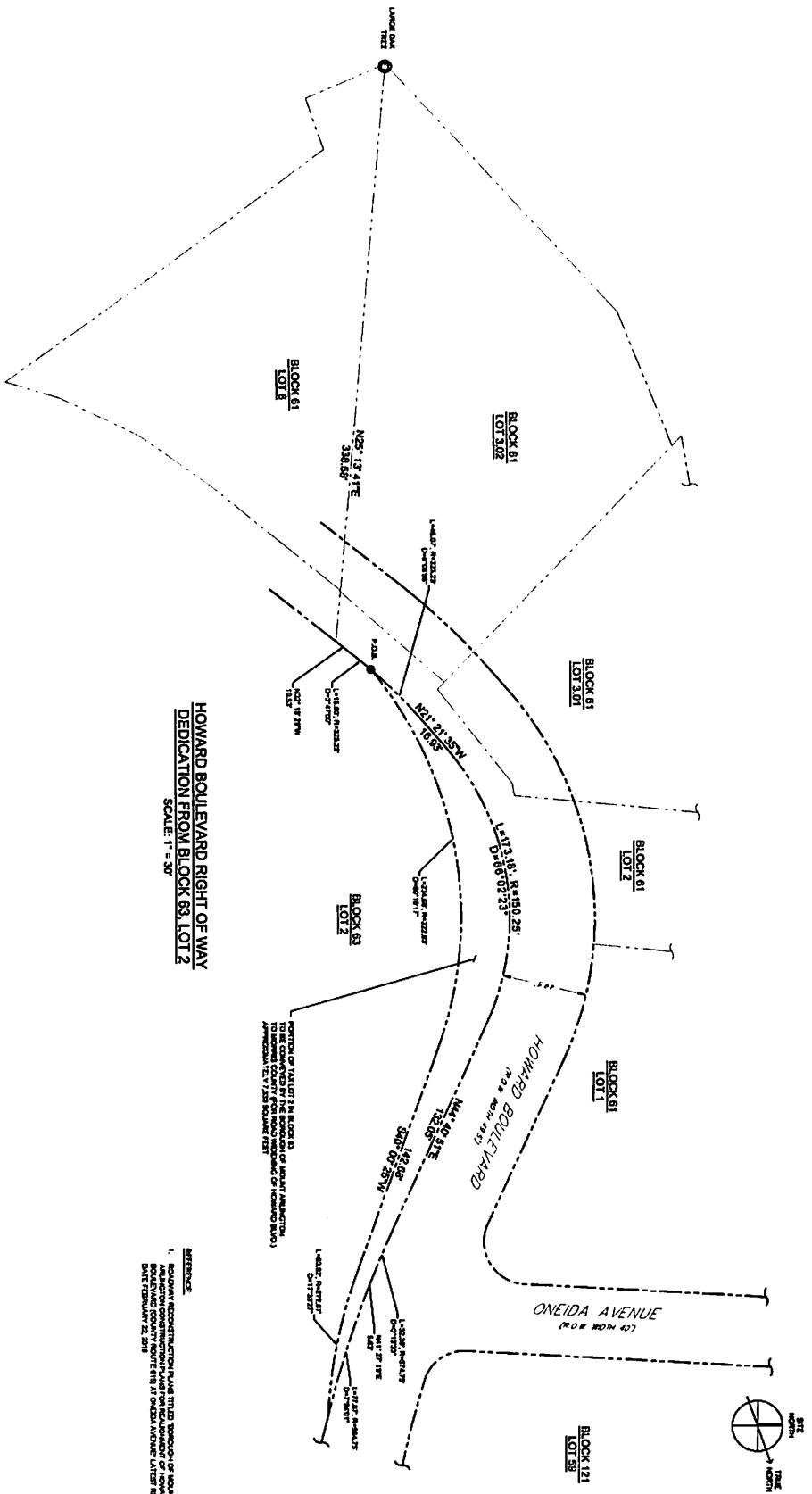
DEREK J. KENNEDY
PROFESSIONAL LAND SURVEYOR
STATE OF NEW JERSEY
LIC. NO. 24039-0327100



**REALIGNMENT OF HOWARD
BOULEVARD AT ONEIDA AVE.
BOROUGH OF MT. ARLINGTON,
MORRIS COUNTY, NEW JERSEY**

**RIGHT OF WAY
DEDICATION EXHIBIT**

JOB No. 576.013
B/O 1 OF 1
DATE: 02-23-16
SHEET
V-001



1. ROADWAY RECONSTRUCTION PLANS TITLE: TROUSLOUGH ROAD
ALIGNMENT CONSTRUCTION PLANS FOR REALIGNMENT OF HOWARD
BOULEVARD COUNTY ROUTE 619, AT CANADA AVE/NE LATEST REVISION
DATE FEBRUARY 22, 2016

Figure 1 is a horizontal bar chart showing the distribution of the number of species (n) for different values of the parameter r . The x-axis is labeled n and ranges from 0 to 8. The y-axis is labeled r and ranges from 0 to 30. The bars show a peak at $n=1$ for $r=0$, which decreases as r increases. For $r=30$, the distribution is shifted towards higher n values, with a peak at $n=4$.



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
(9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)

BOROUGH OF MT. ARLINGTON

Current Street Address

419 HOWARD BOULEVARD

City, Town, Post Office Box

MT. ARLINGTON

State

NJ

Zip Code

07856

PROPERTY INFORMATION

Block(s)

63

Lot(s)

Portion of Lot 2

Qualifier

Street Address

HOWARD BOULEVARD

City, Town, Post Office Box

MT. ARLINGTON

State

NJ

Zip Code

07856

Seller's Percentage of Ownership

100%

Total Consideration

1.00

Owner's Share of Consideration

1.00

Closing Date

3/7/2017

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. ☐ Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. ☐ Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☒ Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. ☐ The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. ☐ The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
☐ Seller did not receive non-like kind property.
8. ☐ The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. ☐ The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. ☐ The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. ☐ The property transferred is a cemetery plot.
14. ☐ The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

Date

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Seller's Residency Certification/Exemption Instructions

Individuals, estates, trusts, or any other entity selling or transferring property in New Jersey must complete this form if they are not subject to the gross income tax estimated payment requirements under N.J.S.A. 54A:8-9. A nonresident seller is required to make an estimated income tax payment if none of the Seller's Assurances apply.

Name(s): Enter the name of the seller. If there is more than one seller, each must complete a separate form unless they are a married/civil union couple that files their income tax returns jointly.

Address: Enter the seller's primary residence or place of business. Do not use the address of the property being sold. The seller is considered to be a nonresident unless a new residence (permanent place of abode, domicile) has been established in New Jersey and the new residence is listed here. Part-year residents are considered nonresidents.

Property Information: Enter the information listed on the deed of the property being sold. Enter the seller's percentage of ownership, the total consideration for the transaction, the seller's share of that consideration, and the closing date.

Consideration: "Consideration" means, in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. If there is more than one owner, indicate the seller's portion of the total consideration received. If the total consideration for the property is \$1,000 or less, the seller must check box 6 under Seller's Assurances.

Seller's Assurances: Check the appropriate box(es). If one or more of the Seller's Assurances applies, the seller is not required to make an estimated income tax payment at this time.

Any seller claiming the principal residence exemption (box 2) must also be claiming an income/gain exclusion for the property being sold on their federal income tax return (26 U.S. Code section 121).

1031 like-kind exchange: A nonresident who completes the GIT/REP-3 and claims exemption for a 1031 transaction (box 7) must show the value of the like-kind property received. If the transaction includes non-like kind property (i.e. money, stocks, etc), the seller must also complete the GIT/REP-1, Nonresident Seller's Tax Declaration, show the greater of the consideration or the fair market value of the non-like kind property received, and remit an estimated tax payment of 2% of that amount. If the transaction is a deferred like-kind exchange and the seller receives non-like kind property, the qualified intermediary (QI) must remit an estimated tax payment of 2% of the greater of the consideration or the fair market value of any non-like kind property when the 1031 transaction is completed. If the deferred exchange is voided, the QI must complete a GIT/REP-1, Nonresident Seller's Tax Declaration, and remit an estimated tax payment of 2% of the total consideration with an NJ-1040-ES Voucher.

Example: Mr. Smith is a nonresident of New Jersey who exchanges rental property A with a fair market value of \$1.2 million for rental property B with a fair market value of \$1.0 million and receives \$200,000 in cash (non-like kind property). An estimated tax payment is required on the \$200,000 non-like kind property for nonresidents.

PROPERTY A	\$1,200,000
PROPERTY B	\$1,000,000
CASH \$	\$ 200,000
Estimated tax payment for GIT/REP-1	\$ 4,000

Signature: The seller must sign and date the Seller's Declaration. If the seller has appointed a representative who is signing the Seller's Declaration on their behalf, either the Power of Attorney executed by the seller must have been previously recorded or recorded with the deed to which this form is attached, or a letter signed by the seller granting authority to the representative to sign this form must be attached.

The seller must give the completed GIT/REP-3 to the settlement agent at closing. The county clerk will attach this form to the deed when recording it. If the form is not completed in its entirety, or if the settlement agent does not submit the original form with the deed, the county clerk will not record the deed.

*BOROUGH OF MOUNT ARLINGTON
MOUNT ARLINGTON, NEW JERSEY*

PROOF OF PUBLICATION AFFIDAVIT

Date: 2/16/17

As the duly appointed Borough Clerk for the Borough of Mount Arlington, in the County of Morris, State of New Jersey, I, **Linda DeSantis**, hereby certify that a Public Notice, of which a copy is attached hereto, was published in the **Roxbury Register** newspaper, in the 2/16/17 issue of said newspaper.


Linda DeSantis, R.M.C.
Borough Clerk

Mount Arlington Borough

LEGAL NOTICE

ORDINANCE NO.: 02 - 17

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION AND RECORDATION OF THE PROPOSED DEED OF ROADWAY DEDICATION OF PROPERTY LOCATED AT Block No. 63, A PORTION OF LOT 2 FOR ROAD WIDENING ALONG HOWARD BOULEVARD TO MORRIS COUNTY

WHEREAS, the County of Morris desires to maintain the portion of Howard Boulevard, recently widened and improved, located in Block 63, as a portion of Lot 2, as described in the Right of Way Dedication Exhibit for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as Schedule A; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as Schedule B, a copy of each is incorporated herein at length by reference; and

WHEREAS, the Borough of Mount Arlington desires to convey to the County of Morris a tract of land located in Block 63, as a portion of Lot 2, in a Deed of Dedication for Roadway Right of Way for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as Schedule A; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as Schedule B, a copy of each is incorporated herein at length by reference; and

WHEREAS, the Borough of Mount Arlington Borough Engineer, the Borough Attorney, the Morris County Counsel and the Morris County Engineer reviewed the above-referenced conveyance documents, a copy of which is incorporated herein at length by reference; and

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

WHEREAS, the Mayor and Borough Council of the Borough of Mount Arlington reviewed the above-referenced conveyance documents and recommends the documents be recorded in the office of the Morris County Clerk; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, authorizes municipalities to transfer real property; and

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that pursuant to N.J.S.A. 40A:12-13 the Borough of Mount Arlington is authorized to execute, and cause to be recorded by the County of Morris along with a memorialized copy of this Ordinance, the proposed Deed of Dedication for Roadway Right of Way located in Block 63, as a portion of Lot 2, as described in the Right of Way Dedication Exhibit for the Realignment of Howard Boulevard at Oneida Ave, Sheet V-001, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC, attached as Schedule A; and the Metes and Bounds Description of Land, dated February 23, 2016, prepared by Derek J. Kennedy & Associates, LLC Way, attached as Schedule B, a copy of each is incorporated herein at length by reference.

BE IT FURTHER ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the documents be executed and provided to the County of Morris for recordation. The Borough Mayor, Administrator and the Borough Attorney shall be authorized and empowered to sign any and all documents required to effectuate the conveyance of this parcel.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. 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 separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on February 7, 2017 and will be further considered after a Public Hearing held on March 7, 2017 at the Municipal Building at 7:00 P.M.

INTRODUCED:
PUBLISHED:
ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

Linda DeSantis, Borough Clerk
P.F.\$76.73

Michael Stanzilis, Mayor
02/16/17

**Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, NJ 07856**

Borough Clerk's Office
(973) 398-6832 ext. 112
(973) 398-8662 Fax
ldesantis@mtarlingtonboro.com

The following Ordinance was passed on second reading at the Council Meeting of the Borough of Mount Arlington on March 7, 2017:

Ordinance #02-17

Ordinance of the Mayor and Council of the Borough of Mount Arlington, County of Morris and State of New Jersey, Authorizing the Execution and Recordation of the Proposed Deed of Roadway Dedication of Property Located at Block No. 63, A Portion of Lot 2, For Road Widening Along Howard Boulevard to Morris County

TAKE NOTICE that the above entitled Ordinance was introduced and passed at a regular meeting of the Borough Council of the Borough of Mount Arlington held on February 7, 2017; and after being duly advertised was further considered for final passage at a Council Meeting held on March 7, 2017 at which time, after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Borough of Mount Arlington according to law.

ADOPTED: March 7, 2017



Linda DeSantis, RMC
Borough Clerk