

**ORDINANCE 09 - 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 PRIVATE SALE OF CERTAIN MUNICIPAL PROPERTY LOCATED ON THE REAR SECTION OF A CORNER LOT ON EDGEMERE AVENUE, BLOCK 20 LOT 5.01, OWNED BY THE BOROUGH OF MOUNT ARLINGTON NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13(B)(5)**

**WHEREAS**, on April 12, 2016, in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., Ordinance No.: 01-16, a copy of which in its entirety with all exhibits is incorporated herein as if set forth at length, was memorialized authorizing the sale of property not needed for public use by private sale to a contiguous property; and

**WHEREAS**, the parcel to be sold is a vacant 0.229 acre lot located on the corner of Howard Boulevard and Edgemere Ave, Block 20 Lot 5.01, which is essentially a gravel driveway. See Appraisal Report prepared by the Borough Tax Expert, Scott J. Holzhauer, CTA, SCGREAA, dated September 11, 2015, a copy of which is incorporated herein as if set forth at length; and

**WHEREAS**, on August 15, 2016, the Borough entered into a Contract of Sale with Arlington Properties, LLC, a copy of which is incorporated herein as **EXHIBIT A** as if set forth at length; and

**WHEREAS**, the Borough entered into a Rider to the Contract of Sale with Arlington Properties, LLC, dated March 22, 2017, executed on April 6, 2017 by Arlington Properties, LLC, a copy of which is incorporated herein as **EXHIBIT B** as if set forth at length; and

**WHEREAS**, the Borough of Mount Arlington Borough Engineer, the Borough Attorney, and the Buyer's attorney reviewed and approved the Quitclaim Deed, Legal Description, dated February 27, 2016, prepared from the Survey of Land, prepared by Derek J. Kennedy & Associates, LLC without corner markers, dated February 10, 2016, Affidavit of Consideration, 1099S form, GIT/REP-3 form, and the Affidavit of Title, a copy of each is incorporated herein at length by reference; and therefore

**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 Borough Attorney, along with a memorialized copy of Ordinance No. 01-16; a memorialized copy of this Ordinance; the Quitclaim Deed, Legal Description, dated February 27, 2016, prepared from the Survey of Land, prepared by Derek J. Kennedy & Associates, LLC without corner markers dated February 10, 2016, Affidavit of Consideration, 1099S form, GIT/REP-3 form, and the Affidavit of Title, a copy of each is

incorporated herein at length by reference; and that the property identified herein shall be sold by private sale via Quitclaim Deed to Arlington Properties, LLC, a contiguous property owner for \$5,500.00 plus costs and fees; and

**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 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.

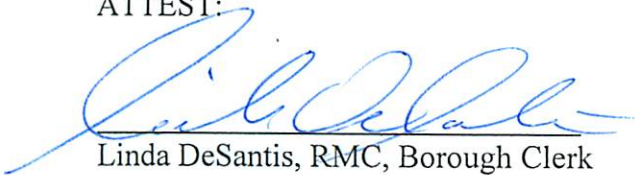
**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage and 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 June 13, 2017 and will be further considered after a Public Hearing held on July 11, 2017 at the Municipal Building at 7:00 P.M.

INTRODUCED:  
PUBLISHED:  
ATTEST:

  
Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ALRINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
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Michael Stanzilis, Mayor