

RESOLUTION 2018 - 140

RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF TWO (2) RELEASE AND COMPENSATION AGREEMENTS WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, Block 61, part of Lot 17.01 is part of the Borough of Mount Arlington's Arlington Glen which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program. In conjunction with the past public utility easement to the Borough of Mount Arlington, it was necessary to remove the Green Acres restrictions from a .11 Acre portion and .049 Acre portion of Arlington Glen. The removal of Green Acres restrictions from parkland required the approval of the Commissioner of the Department of Environmental Protection and the State House Commission; and

WHEREAS, Block 18, part of Lot 12 is part of the Borough of Mount Arlington's Municipal Beach which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program. In conjunction with past public easements and conveyances, it was necessary to remove the Green Acres restrictions from (a) 0.378 acre of the Property which was previously conveyed by the Borough to the adjacent owner of the property currently identified for tax purposes as Block 18 Lot 10; (b) 0.051 acre of the Property, in order to legalize a private, non-exclusive access easement conveyed by the Borough to the Adjacent Property Owner under the Prior Deed, the Re-recorded Deed, and the Corrective Deed and Expansion of Easement Property, inclusive of a proposed expansion of said access easement; and (c) 0.083 acre of the Property in connection with a previously recorded sewer pump station easement conveyed by the Borough to the Musconetcong Sewerage Authority; The removal of Green Acres restrictions from parkland required the approval of the Commissioner of the Department of Environmental Protection and the State House Commission; and

WHEREAS, in order to finalize the Diversion process a Release and Compensation Agreement, releasing Green Acres restrictions on a portion of Block 18 Lot 12 (Municipal Beach) and encumbering the replacement land on Block 12 Lot 1; and a Release and Compensation Agreement, releasing Green Acres restrictions on a portion of Block 61 Lot 17.01 (Arlington Glen) and encumbering the replacement land are required to be executed with the State of New Jersey Department of Environmental Protection and recorded in the Morris County Clerk's Office, a copy of which are both attached hereto and incorporated herein by reference. Additionally, a Deed of Restriction concerning the replacement, which references both Diversion applications since it serves as compensation for the diversions/disposal on both park properties, will also need to be recorded and Ordinance authorizing same will be prepared; and

WHEREAS, on July 11, 2017, Resolution 2017-16, a copy of which is incorporated herein by reference as if set forth at length, was adopted authorizing in item number five (5) that: "Upon approval of the Municipal Beach Major Diversion (SHC # 1426002) and the Arlington Glen Major Diversion (SHC # 1426003) by the Commissioner of the New Jersey Department of Environmental Protection and the State House Commission and proof that all terms and conditions of the approval have been satisfied or will be satisfied in a timely manner, the Borough of Mount Arlington hereby authorizes and directs the Mayor and the Municipal Administrator to execute 1) a Green Acres Release and Compensation Agreement and 2) a Deed of Easement for any replacement land serving in whole or in part as compensation for the diversion, in accordance with N.J.A.C. 7:36-26.11(m).

WHEREAS, the Mayor and Council of the Borough of Mount Arlington desire to authorize the Mayor, Administrator and/or the Borough Clerk to sign the two (2) Release and Compensation Agreements; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF MOUNT ARLINGTON, THAT the two (2) Release and Compensation Agreements are approved; the Mayor, Administrator or the Borough Clerk are authorized to sign them; and the Borough Attorney shall record the Agreements upon counter-execution by the State of New Jersey Department of Environmental Protection.

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 October 2, 2018.



Linda DeSantis, R.M.C.
Borough Clerk