

ORDINANCE NO.: 14 - 18

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE RECORDATION OF A DEED OF RESTRICTION (GREEN ACRES RESTRICTIONS) FOR THE PROPERTY LOCATED IN BLOCK 12, LOT 1

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, 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 on Block 12, Lot 1 were 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; and

WHEREAS, in accordance with the Release and Compensation Agreements, a Deed of Restriction concerning the replacement land on Block 12 Lot 1, which references both Diversion applications since it serves as compensation for the diversions/disposal on both park properties, is required to be executed and recorded in the Morris County Clerk's Office, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, in order to finalize the Diversion process, the Mayor and Borough Council of the Borough of Mount Arlington reviewed the above-referenced conveyance documents and recommends the Deed of Restriction concerning the replacement on Block 12 Lot 1 be executed and recorded in the Morris County Clerk's Office.

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 the Deed of Restriction concerning the replacement on Block 12 Lot 1 is approved; the Mayor and Borough Clerk are authorized to sign it; and the Borough Attorney shall record it in the Morris County Clerk's Office.

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 October 2, 2018 and will be further considered after a Public Hearing held on November 7, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:
PUBLISHED:
ATTEST:


Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Michael Stanzilis, Mayor