

ORDINANCE NO.: #06 - 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 CORRECTIVE DEED (FEE AND EASEMENT) AND EXPANSION OF EASEMENT FOR THE PROPERTY LOCATED IN BLOCK 18, LOT 12

WHEREAS, on July 11, 2017 the Mayor and Borough Council of the Borough of Mount Arlington adopted Resolution 2017-116, a copy of which is attached hereto and incorporated herein as if set forth at length, for the Municipal Beach Major Diversion (SHC # 1426002), which involves the prior conveyance of easements and property in fee comprising a portion of Municipal Beach (505 Altenbrand Ave., Block 18, Lot 12, Mount Arlington, Morris County, 2.75 acres). These include: a previously established public easement to accommodate the Musconetcong Sewerage Authority (MSA) Pump Station #4 (0.083 ac +/-); a previously established private easement for the use and access of the adjacent property owner, M & H Associates (now R&T Boatyard, LLC) who are the owners of the Barnes Brothers Marine Base, intended to address public safety and drainage issues at the beach (0.051 ac +/-); and a previously established public fee transfer to M & H Associates with the same intentions of the private easement (0.378 ac +/-) so that drainage from the public roadway could be managed by the improvements installed and maintained on the Barnes Brothers Marine Base property; and

WHEREAS, the Mayor and Borough Council of the Borough of Mount Arlington desires to enter into a Corrective Deed (Fee and Easement) and Expansion of Easement, a copy of which is attached hereto and incorporated herein as if set forth at length, for the property located in Block 18, Lot 12 with R&T Boatyard, LLC, a Limited Liability Company, whose address is 55 Sandra Road, Ringoes, New Jersey 08551 (formerly M & H Associates); and

WHEREAS, by Deed dated June, 1991 and recorded October 16, 1991 in the Morris County Clerk's Office in Deed Book 3500 Page 264 (the "Prior Deed"), the Borough of Mount Arlington conveyed a 12,465 square foot (0.286 acre) portion of Block 18, Lot 12 in fee to M. and H. Associates (now R&T Boatyard, LLC), to be incorporated into the parcel of property currently identified as Block 18, Lot 10 (formerly Lot 11), owned by Grantee. The Prior Deed was re-recorded March 23, 1991 in the Morris County Clerk's Office in Deed Book 3745 Page 009 (the "Re-recorded Deed") to include a missing exhibit. A copy of the Re-recorded Deed is attached to the Corrective Deed as Schedule D; and

WHEREAS, by Deed dated December 1, 2012, recorded December 17, 2012 in the Morris County Clerk's Office in Deed Book 22207, Page 1736, M & H Associates, a New Jersey Partnership transferred title of Block 18, Lot Nos. 9 and 10 (f/k/a Lots 9, 10, 11 and p/o Lot 12) to R&T Boatyard, LLC, a New Jersey limited liability company, a copy of the recorded Deed is attached to the Corrective Deed as Schedule D; and

WHEREAS, it is the intention of the Corrective Deed (Fee and Easement) and Expansion of Easement to set forth the current name of the property owner, R&T Boatyard, LLC; and correct the Block and Lot designation in the Prior Deed and Re-recorded Deed, both of which erroneously referred to the Property as Block 11, Lot 12. It is also the intention of this Corrective Deed to correct the metes and bounds description in the Prior Deed and to correct the metes and bounds description and survey in the Re-recorded Deed, both of which were found to contain errors as a result of a subsequent survey commissioned by the Grantor (Schedule C.); and

WHEREAS, under the Prior Deed and Re-recorded Deed, the Borough of Mount Arlington also conveyed to M. and H. Associates (now R&T Boatyard, LLC) a permanent, non-exclusive access easement over 934 square feet (0.021 acre) of the Property ("the Easement"); and

WHEREAS, it is the intention of the Corrective Deed (Fee and Easement) and Expansion of Easement to correct the metes and bounds description in the Prior Deed and the Re-recorded Deed and to correct the metes and bounds description and survey in the Re-recorded Deed, both of which were found to contain errors as a result of a subsequent survey commissioned by the Grantor (Schedule C) As a result of the new survey (Schedule C), the Easement area was determined to be 0.041 acre +/- (not 0.021 acre); and

WHEREAS, it is also the intention of the Corrective Deed (Fee and Easement) and Expansion of Easement to expand the original area of the Easement by 0.010 acre +/- (435.6 square feet), resulting in an Easement area of 0.051 acre (2,239 square feet), as now described in Schedule B and depicted on Schedule C; and

WHEREAS, the transfer of the Property and the Easement under the Prior Deed, the Re-recorded Deed, this Corrective Deed and this Expansion of Easement are subject to all promises, covenants and restrictions contained in an agreement dated Sept. 16, 1991 between the Borough of Mount Arlington, M. and H. Associates, a New Jersey General Partnership (now R&T Boatyard, LLC) and Ralbert Associates Inc, a New Jersey Corporation d/b/a Barnes Bro's Marine Base, a copy of which is attached hereto and incorporated herein as if set forth at length; and

WHEREAS, the Borough of Mount Arlington Borough Engineer; Borough Attorney; and R&T Boatyard, LLC's Attorney 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 expansion of property and easement, the proposed conveyance documents and Metes and Bounds Descriptions 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 conveyance documents and recommends the documents be recorded in the office of the Morris County Clerk.

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 documents be accepted and provided to the Morris County Clerk 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 within transaction.

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 June 12, 2018 and will be further considered after a Public Hearing held on July 10, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:
PUBLISHED:
ATTEST:

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Linda DeSantis, RMC, Borough Clerk


Michael Stanzilis, Mayor

Morris County Recording Cover Sheet



**Honorable Ann F. Grossi, Esq.
Morris County Clerk**

Official Use Only - Realty Transfer Fee

Official Use Only - Barcode

Date of Document:

Type of Document:

Corrective Deed (Fee and Easement) and
Expansion of Easement

First Party Name:

Borough of Mount Arlington

Second Party Name:

R&T Boatyard, LLC

Additional Parties:

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

Block:

18

Lot:

12

Municipality:

Borough of Mount Arlington

Consideration:

\$1.00

Mailing Address of Grantee:

c/o O'DONNELL McCORD, PC
Matthew J. O'Donnell, Esq.
15 Mount Kemble Avenue
Morristown, New Jersey 07960

**THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOK & PAGE INFORMATION FOR AN
ASSIGNMENT, RELEASE, OR SATISFACTION OF A MORTGAGE OR AN AGREEMENT RESPECTING A MORTGAGE**

Original Book:

Original Page:

MORRIS COUNTY RECORDING COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

WARNING: Information contained on the Recording Cover Sheet must exactly match the information within the attached document or the document will be rejected and returned.

Prepared by:
Matthew J. O'Donnell, Esq.
O'DONNELL McCORD, PC
15 Mount Kemble Avenue
Morristown, New Jersey 07960

Corrective Deed (Fee and Easement)
and
Expansion of Easement

This Deed is made on _____, 2018

BETWEEN BOROUGH OF MOUNT ARLINGTON
whose address is 526 Altenbrand Avenue,
Mt. Arlington, New Jersey 07856,

referred to as the Grantor,

AND R&T BOATYARD, LLC, a Limited Liability Company
whose address is 55 Sandra Road
Ringoos, New Jersey 08551,

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (the "Property") and permanent easement described below to the Grantee. This transfer is made for the sum of One and 00/100 Dollar (\$1.00).

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference.** N.J.S.A. 46:26A-3

Borough of Mount Arlington
County of Morris
Block 18, Lot 12 (p/o)

3. **Property:** All that certain tract, parcel, and lot of land lying and being in the Borough of Mount Arlington, County of Morris, State of New Jersey, being more particularly described as follows:

[X] Please see the Legal Description and Survey annexed hereto and made a part hereof as Schedules A and C respectively.

By Deed dated June, 1991 and recorded October 16, 1991 in the Morris County Clerk's Office in Deed Book 3500 Page 264 (the "Prior Deed"), the Grantor conveyed a 12,465 square foot (0.286 acre) portion of Block 18, Lot 12 in fee to the Grantee, to be incorporated into the parcel of property currently identified as Block 18, Lot 10 (formerly Lot 11), owned by Grantee. The Prior Deed was re-recorded March 23, 1991 in the Morris County Clerk's Office in Deed Book 3745 Page 009 (the "Re-recorded Deed") to include a missing exhibit. A copy of the Re-recorded Deed is included herein as Schedule D.

It is the intention of this Corrective Deed to correct the Block and Lot designation in the Prior Deed and Re-recorded Deed, both of which erroneously referred to the Property as Block 11, Lot 12. It is also the intention of this Corrective Deed to correct the metes and bounds description in the Prior Deed and to correct the metes and bounds description and survey in the Re-recorded Deed, both of which were found to contain errors as a result of a subsequent survey commissioned by the Grantor (Schedule C.)

BEING a portion of the land and premises conveyed to the Grantor by deed from Dover Building and Loan Association, dated August 24, 1943 and recorded September 10, 1943 in the Morris County Clerk's Office in Deed Book T36 Page 537.

4. **Corrected and Expanded Easement:** All that certain tract, parcel, and lot of land lying and being in the Borough of Mount Arlington, County of Morris, State of New Jersey, being more particularly described as follows:

[X] Please see the Legal Description and Survey annexed hereto and made a part hereof as Schedules B and C.

Under the Prior Deed and Re-recorded Deed, the Grantor also conveyed to the Grantee a permanent, non-exclusive access easement over 934 square feet (0.021 acre) of the Property ("the Easement").

It is the intention of this Corrective Deed to correct the metes and bounds description in the Prior Deed and the Re-recorded Deed and to correct the metes and bounds description and survey in the Re-recorded Deed, both of which were found to contain errors as a result of a subsequent survey commissioned by the Grantor (Schedule C) As a result of the new survey (Schedule C), the Easement area was determined to be 0.041 acre +/- (not 0.021 acre)

It is also the intention of this Deed to expand the original area of the Easement by 0.010 acre +/- (435.6 square feet), resulting in an Easement area of 0.051 acre (2,239 square feet), as now described in Schedule B and depicted on Schedule C.

5. **Conditions of Transfer:** The transfer of the Property and the Easement under the Prior Deed, the Re-recorded Deed, this Corrective Deed and this Expansion of Easement are subject to all promises, covenants and restrictions contained in an agreement dated Sept. 16, 1991 between the Borough of Mount Arlington, M. and H. Associates, a New Jersey General Partnership and Ralbert Associates Inc, a New Jersey Corporation d/b/a Barnes Bro's Marine Base, said Agreement and its terms to be incorporated herein and attached hereto.
6. **Signatures.** The Grantor signs this Deed as of the date at top of the first page.

WITNESS:


Linda DeSantis, Borough Clerk

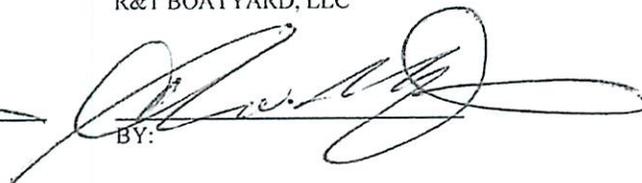
BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Michael Stanzilis, Mayor

WITNESS:



R&T BOATYARD, LLC


BY:

Schedule A

"Deed Description Diversion Site No. 3", dated August 2, 2016, prepared by Richard F. Smith, Jr., Smith Surveying, Inc.

Schedule B

"Deed Description Diversion Site No. 2", dated August 2, 2016, prepared by Richard F. Smith, Jr., Smith Surveying, Inc.; and further shown on the "Green Acres Survey

My Commission Expires 03/03/2025
NOTARY PUBLIC OF NEW YORK
Linda Desautels

