

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 AND RECORDATION OF THE PROPOSED TEMPORARY RIGHT OF ACCESS AGREEMENT BETWEEN THE MORRIS COUNTY PARK COMMISSION LEE'S COUNTY PARK MARINA AND THE BOROUGH OF MT. ARLINGTON; A PERMANENT DRAINAGE MAINTENANCE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT OVER A PORTION OF JOSEPH P. LANE AND JOSEPHINE M. LANE PROPERTY LOCATED AT 45 EDMERE AVENUE, BLOCK 10, LOT 73; AND A TEMPORARY CONSTRUCTION EASEMENT OVER A PORTION OF THE PROPERTY OWNED BY JIM E. TIENCKEN LOCATED AT 49 EDMERE AVENUE, BLOCK 10, LOT 74

WHEREAS, in January 2018 the property owners of 45 Edgemere Avenue, Block 10, Lot 73, Joseph P. Lane and Josephine M. Lane, requested the Borough modify the stormwater channel/ drainage ditch that traverses their property and carries roadway runoff to the lake at the Lee's County Park Marina. The Borough Engineers determined an upgrade to the ditch and establishing a Permanent Drainage Maintenance Easement would be in the best interest of the property owners, Borough and the lake; and

WHEREAS, the Borough Engineers discovered that the ditch drained to an inlet at the back of the property that is piped across the County of Morris's property to the north (Block 10, Lot 68) and into the lake. The Borough Engineers meet with Chris Vitz, PE, the Morris County Engineer, Dave Helmer, Morris County Park Commission and James Hutzemann, PE, Morris County Park Commission Engineer to facilitate this project. It was determined and agreed that a Temporary Right of Access Agreement between the Morris County Park Commission Lee's County Park Marina and the Borough of Mt. Arlington; a Permanent Drainage Maintenance Easement and a Temporary Construction Easement over a portion of Joseph P. Lane and Josephine M. Lane property located at 45 Edgemere Avenue, Block 10, Lot 73; and a Temporary Construction Easement over a portion of the property owned by Jim E. Tiencken located at 49 Edgemere Avenue, Block 10, Lot 74 was required in order to modify the stormwater channel/ drainage ditch; and

WHEREAS, in 2019 the Borough intends to solicit bids and award a contract to complete the Edgemere Avenue Drainage project and accordingly, the Temporary Right of Access Agreement between the Morris County Park Commission Lee's County Park Marina and the Borough of Mt. Arlington; a Permanent Drainage Maintenance Easement and a Temporary Construction Easement over a portion of Joseph P. Lane and Josephine M. Lane property located at 45 Edgemere Avenue, Block 10, Lot 73; and a Temporary Construction Easement over a portion of the property owned by Jim E. Tiencken located at 49 Edgemere Avenue, Block 10, Lot 74 are required to be reviewed, authorized, executed and recorded in the Morris County Clerk's office; and

WHEREAS, Block 10, Lots 67, 68, 69 & 70, and Block 8, Lots 10.01 & 10.02 located in the Borough of Mount Arlington are owned by the County of Morris and are under the stewardship of the Morris County Park Commission. In order for the Borough to access to the Property for the sole purpose of improving an existing drainage swale, which will include the installation of drainage pipe, grading, top soiling, seeding and restoration around the existing inlet, the attached Temporary Right of Access Agreement between the Morris County Park Commission Lee's County Park Marina and the Borough of Mt. Arlington, a copy of which is incorporated herein as if set forth at length, is required (**EXHIBIT A**); and

WHEREAS, Joseph P. Lane and Josephine M. Lane, the owners of 45 Edgemere Avenue, Block 10, Lot 73 warrant that they have the exclusive right and authority under the law to make the grant of a Permanent Drainage Maintenance Easement, a copy of which is incorporated herein as if set forth at length (**EXHIBIT B**); and a Temporary Construction Easement, a copy of which is incorporated herein as if set forth at length (**EXHIBIT C**); and

WHEREAS, Jim E. Tiencken, the owner of 49 Edgemere Avenue, Block 10, Lot 74 warrants that he has the exclusive right and authority under the law to make the grant of a Temporary Construction Easement, a copy of which is incorporated herein as if set forth at length (**EXHIBIT D**); and

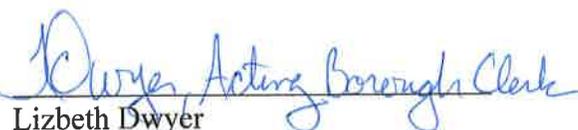
WHEREAS, the Borough of Mount Arlington Borough Engineer and the Borough Attorney reviewed the above-referenced Temporary Right of Access Agreement, Permanent Drainage Maintenance Easement, and Temporary Construction Easements; and

WHEREAS, in order to effectuate the granting of the access and easements, the proposed documents 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 documents and recommends the documents be recorded by the Borough Attorney in the office of the Morris County Clerk.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF MOUNT ARLINGTON, THAT the Temporary Right of Access Agreement between the Morris County Park Commission Lee's County Park Marina and the Borough of Mt. Arlington; a Permanent Drainage Maintenance Easement and a Temporary Construction Easement over a portion of Joseph P. Lane and Josephine M. Lane property located at 45 Edgemere Avenue, Block 10, Lot 73; and a Temporary Construction Easement over a portion of the property owned by Jim E. Tiencken located at 49 Edgemere Avenue, Block 10, Lot 74 are approved and that the recordation of the easement documents shall be conducted at a date and time selected by the Borough Administrator upon approval of all documents and any necessary amendments by the Borough Attorney. The Borough Administrator, Borough Engineer and the Borough Attorney shall be authorized and empowered to sign or have signed any and all documents required to effectuate the execution and recordation of the documents.

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 June 11, 2019.


Lizbeth Dwyer
Acting Borough Clerk