

ORDINANCE 10 - 2022

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, VACATING A PORTION OF OLD HOWARD BOULEVARD

WHEREAS, the Borough of Mount Arlington (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Mayor and Borough Council desire to vacate a portion of Old Howard Boulevard; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Mount Arlington, County of Morris, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to the authority vested in the Borough of Mount Arlington by N.J.S.A. 40:67-1 et seq., it is hereby ordained, subject to the provisions of this Ordinance, that all public rights and privileges now possessed by the Borough of Mount Arlington in the portion of Old Howard Boulevard as further detailed on the attached Plan, entitled: “Old Howard Boulevard Roadway Vacation Plan“, prepared by J. Peter Borbas of Borbas Surveying & Mapping, LLC and dated December 19, 2022, attached hereto as **EXHIBIT A**, and the accompanying Legal Description, entitled: “Description of a Portion of Howard Boulevard, Commonly known as Old Howard Boulevard, to be Vacated“ prepared by J. Peter Borbas of Borbas Surveying & Mapping, LLC and dated December 19, 2022, attached hereto as **EXHIBIT B**, be and are hereby vacated.

Section 3. Notwithstanding this Ordinance there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the “Cable Television Act.” P.L. 1972, c. 186 (N.J.S.A. 48:5A-1 et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof to be vacated.

Section 4. The Official Map of the Borough of Mount Arlington is hereby amended in accordance with of this Ordinance.

Section 5. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 7. Except as amended by this Ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 8. This Ordinance is expressly conditioned upon the Borough closing on the sale of Block 67, Lot 1 as designated on the Borough's Tax Map, located on Old Howard Boulevard, pursuant to that certain Purchase and Sale Agreement by and between The Borough of Mount Arlington and Arlington Plaza, LLP, with an Effective Date of October 5, 2022.

Section 9. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 10. The Borough Clerk is hereby directed, within 60 days of the adoption of this Ordinance after public hearing thereon, to file a certified copy of this Ordinance, with Exhibits, together with a copy of the proof of publication, with the Clerk of Morris County pursuant to N.J.S.A. 40:67-21.

Section 11. This Ordinance shall be in full force and effect from and after its adoption, any publication according to law, and filing of the same with the Clerk of Morris County.

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 November 1, 2022 and will be further considered after a Public Hearing held on December 20, 2022 at the Municipal Building at 7:00 p.m.

INTRODUCED: December 6, 2022

ADOPTED: December 20, 2022

ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

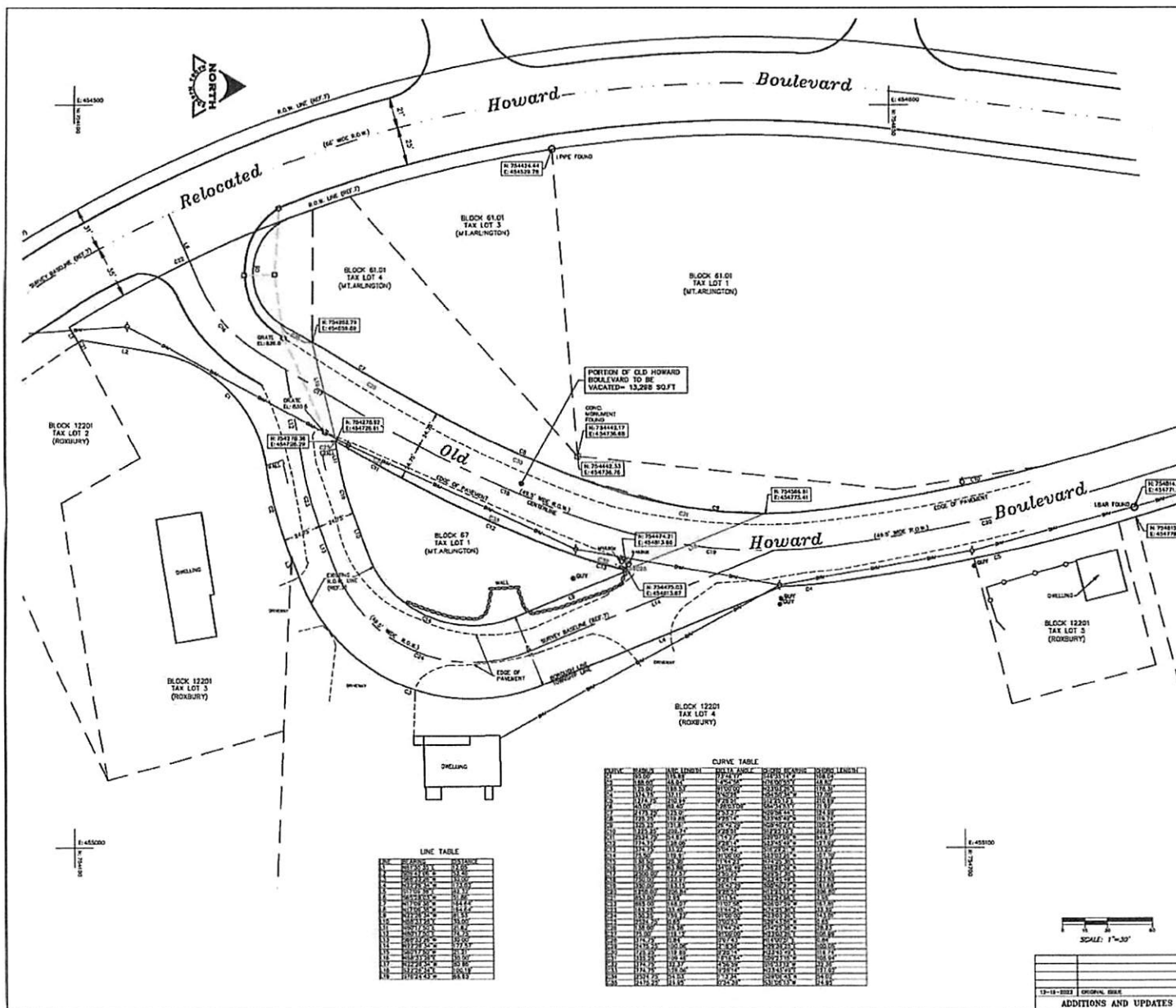
 12/21/22

Matthew N. Bansch
Borough Clerk

 12/21/22

Michael Stanzilis, Mayor
Borough of Mount Arlington

EXHIBIT A
Plan



NOTES.

1. THE HORIZONTAL DATUM IS THE NEW JERSEY STATE PLANT COORDINATE SYSTEM DATUM ESTABLISHED BY DIFFERENTIAL GPS ON NOVEMBER 11, 2022 USING THE NAD 83 SYSTEM REFERENCE STATION NAME.
2. THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) REDUCED TO THE MEAN SEA LEVEL DATUM (ORIGNETIC HEIGHT=433.4567).
3. THIS MAP SHOWS THE EXISTING PHYSICAL IMPROVEMENTS AS THEY EXISTED ON NOVEMBER 11, 2022 AND DECEMBER 15, 2022.
4. ALL COORDINATES AND ELEVATIONS SHOWN HEREON ARE IN U.S. SURVEY FEET.
5. THE UTILITIES SHOWN HAVE BEEN LOCATED FROM EVIDENCE OBSERVED ON THE SURFACE ONLY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPREHEND ALL UTILITIES IN THE AREA. OTHER IN-CHARGE OF ADJACENT, THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

REFERENCES.

1. (ROXBURY TOWNSHIP) LOT 2 BLOCK 12201 - DEED BOOK 21488 PAGE 397, RECORDED IN THE MORRIS COUNTY CLERK'S OFFICE ON DECEMBER 9, 2021.
2. (ROXBURY TOWNSHIP) LOT 3 BLOCK 12201 - DEED BOOK 2485 PAGE 157, RECORDED IN THE MORRIS COUNTY CLERK'S OFFICE ON NOVEMBER 1, 2020.
3. (ROXBURY TOWNSHIP) LOT 4 BLOCK 12201 - DEED BOOK 4318 PAGE 284, RECORDED IN THE MORRIS COUNTY CLERK'S OFFICE ON FEBRUARY 3, 1987.
4. (ROXBURY TOWNSHIP) LOT 5 BLOCK 12201 - DEED BOOK 2804 PAGE 181, RECORDED IN THE MORRIS COUNTY CLERK'S OFFICE ON AUGUST 18, 2020.
5. (MOUNTAINBOROUGH TOWNSHIP) LOT 3 AND LOT 4 BLOCK 61.01 - DEED BOOK 23388 PAGE 1115, RECORDED IN THE MORRIS COUNTY CLERK'S OFFICE ON JUNE 8, 2018.
6. MAP ENTITLED "PLAN OF DISCONTINUANCE, PORTION OF HOWARD BOULEVARD & ROUTE 618, BOROUGH OF MT. ARLINGTON, MORRIS COUNTY NEW JERSEY", PREPARED BY THE MORRIS COUNTY ENGINEERING DEPARTMENT, COURT STREET, MOUNTAINBOROUGH, NJ 07066, DATED SEPTEMBER 1981.
7. MAP ENTITLED "SUBDIVISION PLAN OF PENNINGTON PLAZA PROPERTY OF J.P.A. LAND DEVELOPMENT CORP., SITUATED IN THE BOROUGH OF MT. ARLINGTON, MORRIS COUNTY NEW JERSEY", PREPARED BY BENJAMIN G.B. JOHNSON PROFESSIONAL ENGINEER AND L.S., DATED JANUARY 27, 1988 AND REVISED MARCH 16, 1988, FILED IN THE MORRIS COUNTY CLERK'S OFFICE ON DECEMBER 8, 1988 AS MAP NO. 1725.
8. BOOK "10" OF RECORD, PAGE 268, DATED 1986.
9. BOROUGH OF MT. ARLINGTON TAX MAP SHEET NO. 12, DATED DECEMBER 16, 2008.
10. TOWNSHIP OF ROXBURY TAX MAP SHEET NO. 122, DATED OCTOBER 1, 1988 AND REVISED TO JULY 31, 2021.

LINE TABLE

LINE NO.	BEARING	DISTANCE	POINT NO.
1	N 75° 42' 30" E	1.454779	1
2	S 75° 42' 30" E	1.454779	2
3	N 75° 42' 30" E	1.454779	3
4	S 75° 42' 30" E	1.454779	4
5	N 75° 42' 30" E	1.454779	5
6	S 75° 42' 30" E	1.454779	6
7	N 75° 42' 30" E	1.454779	7
8	S 75° 42' 30" E	1.454779	8
9	N 75° 42' 30" E	1.454779	9
10	S 75° 42' 30" E	1.454779	10

CURVE TABLE

LINE NO.	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
2	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
3	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
4	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
5	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
6	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
7	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
8	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
9	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	N 75° 42' 30" E	1.454779	75° 42' 30"	1.454779
10	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779	S 75° 42' 30" E	1.454779	75° 42' 30"	1.454779

**OLD HOWARD BOULEVARD
ROADWAY VACATION PLAN
BOROUGH OF MOUNT ARLINGTON
MORRIS COUNTY, NEW JERSEY**

BORBAS SURVEYING & MAPPING, LLC
402 MAIN STREET, ROXBURY, NEW JERSEY 07068
Phone: (973) 218-8719 www.borbas.com
NJ CERTIFICATE OF AUTHORIZATION NO. 34568004000
Professional Engineer and Land Surveyor
Specialty: Surveying and Mapping
Borbas and Associates, Inc. is an Equal Opportunity Employer. Minorities and Women are encouraged to apply.

J. PETER BORBAS
Professional Engineer and Land Surveyor
No. 34568004000
Date: **DECEMBER 15, 2022.**

SEAL: [Blank]

SHEET NO. 1 OF 1

FILED BOOK: 2022-12-15 PAGE 23 & 24

APP NO.: 22103

PROJECT NAME: 22103

DRAWING NO.: 22103_2022-12-15_VACATION

ADDITIONS AND UPDATES

EXHIBIT B
Legal Description

**Description of a Portion of Howard Boulevard,
commonly known as Old Howard Boulevard, to be Vacated
in the Borough of Mount Arlington, Morris County, New Jersey.**

Being a portion of Howard Boulevard as shown on a certain map entitled " Map of Discontinuance, Portion of Howard Boulevard a.k.a. Route 615, Borough of Mt. Arlington, Morris County, New Jersey" prepared by the Clifford M. Wolfe, LS, Morris County Engineering Department, Court Street, Morristown, NJ 07963, dated September 1997; more particularly described as follows:

BEGINNING at a point on the westerly sideline of Old Howard Boulevard , 49.5 feet wide, where it is intersected by the southerly line of, or the, easterly projection of the southerly line of Tax Lot 4 Block 61.01, said point being the following two courses from the easterly sideline of the relocated Howard Boulevard, 66 feet wide: 1) southeasterly along a curve to the left having a radius of 40.00 feet, a central angle of 128 degrees 03 minutes 09 seconds, a chord of South 84 degrees 34 minutes 53 seconds East 71.92 feet for an arc length of 89.40 feet, 2) northeasterly along a curve to the left having a radius of 2,475.25 feet, a central angle of 0 degrees 34 minutes 39 seconds, a chord of North 31 degrees 06 minutes 13 seconds East 24.95 feet, for an arc length of 24.95 feet, said beginning point having a NAD83 (2011) New Jersey State Plane Coordinate of North 754262.79 East 454659.89 (US Survey Feet) measured November 2022; and runs thence the following three courses along the westerly sideline of Old Howard Boulevard 24.75 feet westerly of the centerline

1. Northeasterly along a curve to the left having a radius of 2,475.25 feet, a central angle of 2 degrees 18 minutes 58 seconds, a chord of North 29 degrees 39 minutes 25 seconds East 100.05 feet, for an arc length of 100.06 feet to a point of compound curvature; thence
2. Northeasterly along a curve to the left having a radius of 725.25 feet, a central angle of 9 degrees 28 minutes 14 seconds, a chord of North 23 degrees 45 minutes 49 seconds East 119.74 feet, for an arc length of 119.88 feet to a point of compound curvature; thence
3. Northeasterly along a curve to the left having a radius of 325.25 feet, a central angle of 19 degrees 16 minutes 54 seconds, a chord of North 9 degrees 23 minutes 15 seconds East 108.94 feet, for an arc length of 109.46 feet to a point, said point having a NAD83 (2011) New Jersey State Plane Coordinate of North 754566.814 East 454775.41 (US Survey Feet) ; thence
4. By a line across said Old Howard Boulevard, South 22 degrees 26 minutes 34 seconds East 100.19 a point in the easterly sideline of Old Howard Boulevard and the westerly line of Tax Lot 1 Block 67, said point having a NAD83 (2011) New Jersey State Plane

Coordinate of North 754474.21 East 454813.66 (US Survey Feet); thence the following three courses along the easterly sideline of Old Howard Boulevard

5. Southwesterly along a curve to the right having a radius of 374.75 feet, a central angle of 4 degrees 56 minutes 59 seconds, a chord of South 16 degrees 33 minutes 12 seconds West 32.36 feet, for an arc length of 32.37 feet to a point of compound curvature; thence
6. Southwesterly along a curve to the right having a radius of 774.75 feet, a central angle of 9 degrees 28 minutes 14 seconds, a chord of South 23 degrees 45 minutes 49 seconds West 127.92 feet, for an arc length of 128.06 feet to a point of compound curvature; thence
7. Southwesterly along a curve to the right having a radius of 2,524.75 feet, a central angle of 1 degree 13 minutes 34 seconds, a chord of South 29 degrees 06 minutes 43 seconds West 54.02 feet, for an arc length of 54.03 feet to a point; thence
8. By a line across Howard Boulevard, South 76 degrees 24 minutes 43 seconds West 68.65 feet to the point and place of BEGINNING.

Containing 13,298 square feet of land, more or less.

This description is prepared in accordance with a map entitled "Old Howard Boulevard Roadway Vacation Plan, Borough of Mount Arlington, Morris County, New Jersey" dated December 19, 2022, prepared by Borbas Surveying and Mapping, Boonton, New Jersey.

Prepared by:



J. Peter Borbas, PLS

NJPLS 24GS03165300

December 19, 2022