ITEM NO.    SUBJECT: Construction Easement and Permanent Maintenance Easement as between the New Jersey Department of Transportation and the DRPA for the Purpose of Constructing a Storm Water Basin on the Infield Area of Ramp “A” of the Commodore Barry Bridge

COMMITTEE: Executive Committee

COMMITTEE MEETING DATE: March 16, 2011

BOARD ACTION DATE: April 20, 2011

PROPOSAL: That the Board authorize staff to negotiate a temporary construction easement and permanent maintenance easement agreement and other necessary agreements permitting the New Jersey Department of Transportation (“NJDOT”) to access a certain parcel of land owned by the DRPA and designated as the “Infield Area of Ramp A” in the plans attached hereto (hereinafter referred to as the “Easement Area”), in order to construct a storm water management basin and to effectuate improvements to Route 130 in Logan Township, New Jersey.

PURPOSE: The purpose of the proposed construction and maintenance easement agreement is to permit NJDOT to access and utilize the Easement Area for the construction of a storm water management basin to handle the discharge resulting from the improvements to Route 130 and in order to ensure compliance with the applicable storm water management regulations.

BACKGROUND: NJDOT is currently designing a project to enhance the safety of the Route 130 in Logan Township, New Jersey. The major elements of the project include, but are not limited to the following, the demolition of the existing bridge over Raccoon Creek, the construction of a fixed span bridge, the widening of Route 130, the construction of retaining walls, and the construction of a storm water management basin to handle the runoff resulting from the realignment of Route 130.

NJDOT proposes to use the Easement Area for the construction of the storm water management basin. NJDOT will at its sole cost construct a fence to enclose the storm water management basin and will maintain the storm water management basin, including, but not limited to, the cost of cutting the grass and spraying for mosquitoes and other insects.

The DRPA will reserve the right to approve the transfer or assignment of the interests conferred pursuant to the permanent easement, will reserve the right to enter onto and utilize the Easement Area in
furtherance of its operation and maintenance of the Commodore Barry Bridge, and to approve any improvements to the Easement Area.

As consideration for DRPA's grant of the temporary construction easement and the permanent maintenance easement, NJDOT proposes the following terms:

1. Purchase Price of Easement: $1.00

2. Term of the Construction Easement and Maintenance Easement: The term of the Maintenance Easement will be perpetual. The term of the construction easement will be eighteen (18) months from the issuance of the notice to proceed.

Engineering and Bridge Operations staff have reviewed the proposal and determined that the granting of a temporary construction easement and permanent maintenance easement in the Infield of Ramp A will not be detrimental to the interests of the DRPA and will not adversely impact the operations of the DRPA.
SUMMARY STATEMENT
Executive Committee 4/20/11

Construction Easement and Permanent Maintenance Easement as between the New Jersey Department of Transportation and the DRPA for the Purpose of Constructing a Storm Water Basin on the Infield Area of Ramp “A” of the Commodore Barry Bridge

SUMMARY:

Amount: $1.00
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: Perpetual
Other Parties Involved: New Jersey Department of Transportation
RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority hereby accepts the proposal of the New Jersey Department of Transportation to enter into a temporary construction easement and permanent maintenance easement agreement in order to access a certain parcel of land owned by the DRPA and designated as the “Infield Area of Ramp A” in the plans attached hereto, for the purpose of constructing a storm water management basin and to effectuate improvements to Route 130 in Logan Township, New Jersey; and be it further

RESOLVED: That the Board of Commissioners authorizes the proper officer of the Authority to negotiate the temporary construction and permanent maintenance easement agreement and any other documents required to complete the involved transaction and consistent with the intent of this resolution; and be it further

RESOLVED: That the Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chairman and Vice Chairman are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

SUMMARY:

Amount: Purchase Price of $1.00 to be Paid by the New Jersey Department of Transportation
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: Perpetual
Other Parties Involved: New Jersey Department of Transportation