SUMMARY STATEMENT

ITEM NO.: DRPA-12-078

SUBJECT: Right of Access and Related Agreements for Pearl Street (South Marginal Road) and Pine Street Improvements- Modification of DRPA-10-150

COMMITTEE: Operations & Maintenance

COMMITTEE MEETING DATE: September 5, 2012

BOARD ACTION DATE: September 19, 2012

PROPOSAL: That the Board authorizes staff to negotiate and enter into appropriate real estate agreements permitting Camden County and its contractors, consultants, agents, employees and other representatives (hereinafter referred to as “Camden County”) to access and utilize DRPA property in carrying out work for which Camden County has received Federal Grant Assistance, which agreements will confirm that Camden County is fully responsible for all construction activities, including proper construction/installation of the Pine Street Gateway Enhancement Project (hereinafter referred to as “Pine Street Project”) sidewalk and the Pearl Street Bicycle and Pedestrian Improvement and Bulkhead Repair Project (hereinafter referred to as “Pearl Street Project”); that Camden City will be responsible for all obligations attendant to the control of the Pine Street Project sidewalk, including but not limited to, all sidewalk and landscaping repairs and maintenance; and that Camden City shall continue maintenance of Pearl Street (South Marginal Road) (hereinafter “Pearl Street”) and of all Project streetscape improvements (to street and sidewalks), all of the above as conditions to permitting access to and utilization of DRPA property. DRPA would not incur any cost and would not be exposed to additional liability under these agreements.

PURPOSE: To adopt a resolution authorizing staff to negotiate and enter into an agreement or agreements with Camden County and Camden City, under which Camden County could contract for and carry out real estate improvement projects that will require access to and use of DRPA property and authorizing staff to negotiate and enter into an agreement or agreements, which agreements will confirm that Camden County is fully responsible for all construction activities, including proper construction/installation of the Pine Street Project sidewalk and the Pearl Street Project; that Camden City will be responsible for all obligations attendant to the control of the Pine Street Project sidewalk, including but not limited to, all sidewalk and landscaping repairs and maintenance; and that Camden City shall continue all maintenance
activities of Pearl Street and of all Project streetscape improvements (to street and sidewalks), all of the above as conditions to permitting access to and utilization of DRPA property.

BACKGROUND: By Resolution DRPA-10-150, DRPA Board of Commissioners authorized staff to negotiate an Agreement or Agreements with Cooper’s Ferry Development Association (“CFDA”), as required, to utilize DRPA property in carrying out work for which Camden County has received Federal Assistance, with CFDA acting as Agent, for the purpose of the Pearl Street Bike/Pedestrian Improvement Project and the Pine Street Gateway Enhancement Project (the “Projects”)

DRPA and CFDA entered into a Right of Entry Permit and Indemnification Agreement, made effective as of December 10, 2010, which Agreement contained a term making the Lands available until December 31, 2011, and allowing an extension of the Term of the Permit by execution of a subsequent written agreement between the Parties.

CFDA and Camden County have informed the DRPA that the County now serves as the Administrator of the Projects and that the Pearl Street Project is now known as the Pearl Street Bicycle and Pedestrian Improvement and Bulkhead Repair Project. In addition, pursuant to the original Project plans, an easement would be granted to Camden City in order to undertake responsibilities for maintenance of sidewalk and landscaping to be installed as part of the Pine Street Project. The agreements would confirm that Camden County is fully responsible for all construction activities, including proper construction/installation of the Pine Street Project sidewalk; and that Camden City would be responsible for all obligations attendant to the control of the sidewalk, including, but not limited to, all sidewalk and landscaping repairs and maintenance. The agreements would also confirm that Camden County is fully responsible for all construction activities, including proper construction/installation of the Pearl Street Project. The Pearl Street Project is to be undertaken on a road DRPA owns and designates as South Marginal Road. Camden City has and continues to maintain the street, while DRPA has been and continues to be responsible for maintenance of the sidewalks and curbing. Following completion of the Pearl Street Project, Camden City shall continue maintenance of Pearl Street and of all Project streetscape improvements (to street and sidewalks), and the DRPA would assume no liability, maintenance, repair or replacement responsibilities attributed to physical improvements or other conditions created by or as a result of the Project, but would continue to maintain, repair and/or replace sidewalk
Right of Access and Related Agreements for Pearl Street (South Marginal Road) and Pine Street Improvements-Modification of DRPA-10-150

and curbing of its owned property which are not affected by the improvements. Access to and utilization of DRPA property would be conditioned on Camden County and Camden City entering into an Agreement or Agreements acknowledging their undertakings as set forth above.

In addition, Camden County desires to extend the Permit Term in order to effectuate these Projects.

SUMMARY:

- Amount: N/A
- Source of Funds: N/A
- Operating Budget: N/A
- Capital Project #: N/A
- Master Plan Status: N/A
- Other Fund Sources: N/A
- Duration of Contract: NTX One Year from Date of Entry
- Other Parties Involved: Camden County and Camden City
RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority authorizes staff to negotiate and enter into appropriate real estate agreements permitting Camden County and its contractors, consultants, agents, employees and other representatives (Camden County) to access and utilize DRPA property in carrying out the Pearl Street Bicycle and Pedestrian Improvement and Bulkhead Repair Project and the Pine Street Gateway Enhancement Project. The agreement or agreements shall confirm that Camden County is fully responsible for all construction activities, including proper construction/installation of the Pine Street Project sidewalk; that Camden City will be responsible for all obligations attendant to the control of the sidewalk, including but not limited to, all sidewalk and landscaping repairs and maintenance; that Camden County is fully responsible for all construction activities, including proper construction/installation of the Pearl Street Project improvements; and Camden City shall be required to continue all maintenance and repairs of Pearl Street and all Project streetscape improvements (to street and sidewalks), and the DRPA would assume no liability, maintenance, repair or replacement responsibilities attributed to physical improvements or other conditions created by or as a result of the Project; but would continue to maintain, repair and/or replace sidewalk and curbing of its owned property which are not affected by the improvements, all of the above as conditions to granting access to and utilization of DRPA Property; and be it further

RESOLVED: The Chair, Vice Chair 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 Chair, Vice Chair and Chief Executive Officer and if thereafter, either the Chair or Vice Chair 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 Chair and Vice Chair 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.

<table>
<thead>
<tr>
<th>SUMMARY:</th>
<th>Amount:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of Funds:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Operating Budget:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Capital Project #:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Master Plan Status:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Other Fund Sources:</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Duration of Contract:</td>
<td></td>
<td>NTX One Year from Date of Entry</td>
</tr>
<tr>
<td>Other Parties Involved:</td>
<td></td>
<td>Camden County and Camden City</td>
</tr>
</tbody>
</table>