SUMMARY STATEMENT

ITEM NO.: DRPA-15-044  SUBJECT: Right of Entry and Related Agreements with the Holt Logistics Corp. for Access to DRPA Property at the Walt Whitman Bridge

COMMITTEE: Operations and Maintenance

COMMITTEE MEETING DATE: April 8, 2015

BOARD ACTION DATE: April 15, 2015

PROPOSAL: That the Board authorizes staff to negotiate and enter into an appropriate property access agreement permitting Holt Logistics Corp. (hereinafter “Holt”) and its authorized contractors, subcontractors, agents, employees and other representatives to access and utilize DRPA property located at the Walt Whitman Bridge facility in connection with Holt’s Packer Avenue Marine Terminal (hereinafter the “Terminal”), which is located in Philadelphia, Pennsylvania.

PURPOSE: To authorize Holt to access the area beneath the Walt Whitman Bridge and within the Bridge right-of-way for the purpose of advancing improvements to Holt’s Terminal gate facilities.

BACKGROUND: DRPA is the owner and operator of the Walt Whitman Bridge between Gloucester City, New Jersey and Philadelphia, Pennsylvania. Holt is the owner and operator of hauling, warehousing and marine terminal facilities, portions of which are located adjacent to and within the Bridge right-of-way in Philadelphia. In 1984, Holt and DRPA entered into a lease agreement (the “Agreement”) whereby DRPA permitted Holt to enter upon its lands beneath and within the Bridge right-of-way in connection with its Terminal operations. As part of its Terminal operations Holt constructed, operates and maintains gate facilities on Packer Avenue and an asphalt access road that passes beneath the Bridge, providing access to Holt’s Terminal (the access road hereinafter referred to as the “Terminal Access Road”).

Holt wishes to improve and modernize, at its exclusive cost, the Terminal gate facilities (the “Project”). The Project will involve the installation of 2 communication conduits and 2 electrical lines that will be buried beneath the Terminal Access Road, including that portion of the Road passing beneath and within the Bridge right-of-way. DRPA Engineering and Operations Departments have reviewed the Project plans and specifications and have concluded that the Project will not adversely impact DRPA facilities. DRPA supports Holt’s efforts to improve and
modernize the Terminal gate facilities and has concluded that the Project must be addressed by a modified property access agreement with Holt providing greater liability protections to DRPA through updated insurance and indemnification provisions.

Staff recommends that an appropriate property access agreement be negotiated with Holt permitting access to DRPA Property at the Walt Whitman Bridge for the purpose of making improvements to Holt’s Terminal facilities beneath and within the Bridge right-of-way.

SUMMARY:
- Amount: N/A
- 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: 5 years from Execution of Property Access Agreement (with three, 5-year renewal options).
- Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Board of Commissioners authorizes staff to negotiate and enter into an appropriate property access agreement permitting Holt Logistics Corp. (hereinafter referred to as “Holt”) and its authorized contractors, subcontractors, agents, employees and other representatives to access and utilize DRPA property located beneath and within the Walt Whitman Bridge right-of-way in connection with the design and construction of improvements to Holt’s Packer Avenue Marine Terminal facilities in Philadelphia, Pennsylvania; 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:

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