



Legislation Details (With Text)

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Type: Resolution **Status:** Adopted

File created: 3/4/2021 **In control:** Water Sewer Utility

On agenda: 4/7/2021 **Final action:** 4/7/2021

Title: Dept/ Agency: Water and Sewer Utilities
 Action: () Ratifying (X) Authorizing () Amending
 Type of Service: Intergovernmental Agreement
 Purpose: To enter and execute a Utility Engineering and Construction Agreement concerning State Route 23 Bridge Over Pequannock River/Hamburg Turnpike.
 Entity Name: State of New Jersey, Department of Transportation (NJDOT)
 Entity Address: P. O. Box 600, Trenton, New Jersey 08625-0600
 Contract Amount: \$0.00
 Funding Source: New Jersey Department of Transportation
 Contract Period: Until completion of State Project
 Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
 () Fair & Open () No Reportable Contributions () RFP () RFQ
 () Private Sale () Grant () Sub-recipient (X) N/A
 Additional Information:
 No municipal funds are required or will be spent under this Agreement.

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/7/2021	1	Municipal Council	Adopt	Pass

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WHEREAS, the State of New Jersey, through the Department of Transportation (NJDOT or State) is about to undertake the design and construction of State Route 23 over Pequannock River/Hamburg Turnpike, UECA-08-6-23PEQ, UPC Code 083470, located in Kinnelon Borough, Morris County and West Milford Township, Passaic County (hereinafter called the "Project"); and

WHEREAS, the Project may require the construction of new, and /or the protection, relocation and/or adjustment of the existing water distribution system which is owned by the City of Newark (City); and

WHEREAS, the City's legal right to occupy the public right-of-way, subject to the conditions imposed by the State, is in no way changed or mitigated by this Agreement; and

WHEREAS, the City is not obligated under State law or agreement to relocate its own utility facilities at its own expense for this type of Project; and

WHEREAS, the provisions of the State's Accommodation of Utilities within Highway Right-of-Way N.J.A.C. 16:25 and Code of Federal Regulations, 23 C.F.R. 645, Subpart B are applicable; and

WHEREAS, the City shall cooperate with the State in developing plans and cost estimates for their respective work necessitated by the Project and the City shall designate a responsible representative from its Department of Water and Sewer Utilities, to coordinate its efforts with those of the State; and

WHEREAS, the State will supply the City with a copy of the contract plans and specifications once the State Project is advertised.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee the Director of the Department of Water and Sewer Utilities, are hereby authorized on behalf of the City of Newark to enter into a Utility Engineering and Construction Agreement with the New Jersey Department of Transportation (NJDOT) for the design and construction of State Route 23 over Pequannock River/Hamburg Turnpike, UECA-08-6-23PEQ, UPC Code 083470, located in Kinnelon Borough, Morris County and West Milford Township, Passaic County.
2. The Director of Water and Sewer Utilities shall file a fully executed copy of this Agreement in the Office of the City Clerk.
3. No changes shall be made to the terms and conditions of this Agreement without prior Municipal Council approval.
4. No municipal funds are required or will be spent under this Agreement or for this State Project. However, the State will reimburse the City for any costs incurred by the City, which are necessary to accomplish this State Project.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into a Utility Engineering and Construction Agreement with the New Jersey Department of Transportation (NJDOT), for the design and construction of State Route.

23 over Pequannock River/Hamburg Turnpike, UECA-00-6-23PEQ, UPC Code 173010, located in Kinnelon Borough, Morris County and West Milford Township, Passaic County.