



City of Newark

City Hall
920 Mayor Kenneth A.
Gibson Boulevard
Newark, New Jersey 07102

Legislation Details (With Text)

File #: 16-1893 **Version:** 1 **Name:** Peddie Ditch Permanent Easement
Type: Resolution **Status:** Adopted
File created: 12/7/2016 **In control:** Water Sewer Utility
On agenda: 4/5/2017 **Final action:** 4/5/2017
Title: Dept/ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Intergovernmental Agreement
Purpose: Peddie Ditch Permanent Easement
Entity Name: Consolidated Rail Corporation (CONRAIL)
Entity Address: 1717 Arch Street, Suite 1310, Philadelphia, Pennsylvania 19103
Contract Amount: No municipal funds required
Funding Source: Consolidated Rail Corporation
Contract Period: Indefinite
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. However, Consolidated Rail Corporation (CONRAIL) requires the City of Newark and its contractor(s) to submit a Certificate of Insurance
Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/5/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the City of Newark currently maintains a drainage facility, Peddie Ditch, in Consolidated Rail Corporation's (Conrail) Waverly Yard, and;

WHEREAS, in order to meet the requirements set forth under the (date) New Jersey Department of Environmental Protection's, (NJDEP), Consent Order the City of Newark needs to replace an old floating pontoon netting system which it installed in 1992, as the system is obsolete and fails, and;

WHEREAS, the replacement facility consists of an eight (8) bag open top concrete netting facility ("Concrete Replacement Netting Facility") which will be constructed on piles immediately downstream of the City's regulator chamber but within the footprint of the existing Peddie Ditch; and

WHEREAS, Peddie Ditch is located on Consolidated Rail Corporation's (CONRAIL) Waverly Yard land east of the Passaic River and Harsimus Branch, Line Code 10-1421, Mile Post 0.0+/- also bounded by Routes 78 and 21, in the City of Newark, County of Essex, in the State of New Jersey, in accordance with drawings No.: G-01, G-03, G-04 and G-05 and S-01 through S-05, Sheets 1 and 3 through 10, dated February 2016 and Drawing G-02 Sheet 2 of 10 dated April 2016 attached hereto; and

WHEREAS, in order for the City to construct the Concrete Replacement Netting Facility, as mandated under the Consent Decree, it needs permanent access to and across Conrail's Waverly Yard property; and

WHEREAS, the Parties are unaware of any existing agreement for permanent access (Easement) between the City and Consolidated Rail Corporation (CONRAIL); and

WHEREAS, in order for the City to file the necessary permits, permit endorsements to construct and maintain the facility, ,a permanent access agreement, entitled a License Agreement for Drainage Facility Occupation ("License Agreement"), with Conrail is required ; and

WHEREAS, the Parties have agreed to the terms and conditions for construction and maintenance of the Concrete Replacement Netting Facility under the terms of the License Agreement, and intend to be legally bound by them.

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 permanent License Agreement for Drainage Facility Occupation with CONRAIL for the proposed Peddie Ditch reconstruction.
2. The Director of Water and Sewer Utilities shall file a fully executed copy of this License Agreement in the Office of the City Clerk.
3. No changes shall be made to the terms and conditions of this License Agreement without prior Municipal Council approval.
4. No municipal funds are required or will be spent under this License Agreement or for this Project. However, CONRAIL requires the City of Newark and its contractor(s) to submit a Certificate of Insurance.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities to enter into a permanent License Agreement for Drainage Facility Occupation with Consolidated Rail Corporation (CONRAIL), for the Peddie Ditch reconstruction.