



## Legislation Text

File #: 23-1790, Version: 1

**Dept/ Agency:** Engineering

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Street Use Agreement

**Purpose:** An Agreement for the right to construct, install, maintain, repair, operate, relocate, replace and remove the Utility Gas Metering and Regulation Station, currently located on part of Port Street in the City of Newark.

**Entity Name:** Public Service Electric and Gas Company (PSE&G)

**Entity Address:** 80 Park Plaza, Newark, New Jersey, 07102

**Contract Amount:** As defined in detail within the Street Use Agreement

**Funding Source:** No municipal funds required

**Contract Period:** Ninety-Nine (99) years, provided that following the twentieth (20th) anniversary of the effective date, either party may terminate the Agreement by giving written notice of termination

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. (X) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a

**Additional Information:**

**WHEREAS**, Public Service Electric and Gas Company (PSE&G), 80 Park Plaza, Newark, New Jersey, 07102 (the "Grantee"), seeks the Authorization for the right to construct, install, maintain, repair, operate, relocate, replace and remove the Utility Gas Metering & Regulation Station for the utility gas service system on portion of Port Street Right-of-Way within the City of Newark (the "City"); and

**WHEREAS**, PSE&G has requested that the City issue appropriate authorization to utilize the Streets, as required by Title XXIX of the Revised General Ordinances of the City of Newark, New Jersey 2000, Chapter 5, Article 2, Section 29:5-6b, and the City and PSE&G have agreed to the terms of the attached Street Use Agreement (the "Agreement"), in the form attached hereto and made a part of this Resolution, by and between the City and PSE&G to be entered into between the parties, which defines the rights, obligations and responsibilities of both the parties, and the conditions to occupy the Streets for the purpose of installing facilities and providing services as defined and set forth in the attached Agreement; and

**WHEREAS**, the Agreement shall be in force and effect for a term of Ninety-Nine (99) years, provided that, following the twentieth anniversary of the Effective Date, either party may terminate the Agreement by giving written notice of termination, One Hundred Eighty (180) days before the proposed date of termination; and

**WHEREAS**, Public Service Electric and Gas Company (PSE&G) agrees to pay compensation to the City for use of the streets in the amount of Thirty-Six Thousand One Hundred Three Dollars and Zero Cents (\$36,103.00).

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

1. The Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to enter into and execute a Street Use Agreement, (in the form attached hereto and made part of this Resolution), by and between the City of Newark and Public Service Electric and Gas Company (PSE&G), 80 Park Plaza, Newark, New Jersey, 07102, which defines the rights, obligations and responsibilities of both the parties, and the conditions to occupy the streets for the purpose of providing the scope as set forth within the Street Use Agreement (in the form attached hereto and made a part of this Resolution).
2. A fully executed copy of the Agreement shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering.
3. The Agreement shall be in force and effect for a term of Ninety-Nine (99) years, provided that, following the twentieth anniversary of the Effective Date, either party may terminate the Agreement by giving written notice of termination, One Hundred Eighty (180) days before the proposed date of termination.

**STATEMENT**

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, to enter into and execute a Street Use Agreement by and between the City of Newark and the Public Service Electric and Gas Company (PSE&G) 80 Park Plaza, Newark, New Jersey, 07102, which defines the rights, obligations, and responsibilities of both parties, and the conditions to occupy the streets for the purpose of installing facilities and providing services as defined and set forth within the Street Use Agreement. This Agreement shall be in force and effect for a term of Ninety-Nine (99) years from the effective date of the Agreement, provided that, following the twentieth anniversary of the effective date, either party may terminate the agreement by providing written notice of termination, One Hundred Eighty (180) days before the proposed date of termination.