



## Legislation Details (With Text)

**File #:** 13-0034      **Version:** 2      **Name:** Oceanvill Easement Extension  
**Type:** Resolution      **Status:** Filed  
**File created:** 1/3/2013      **In control:** Water Sewer Utility  
**On agenda:** 6/6/2013      **Final action:** 6/6/2013  
**Title:** Dep't/ Agency: Water and Sewer Utilities  
Action: ☒ Ratifying   ☒ Authorizing   ☐ Amending  
Type of Service: Extension of Temporary Construction Easement  
Purpose: Temporary Construction Easement for the construction of the Jackson Street Combined Sewer  
Entity Name: Oceanvill Associates, LLC  
Entity Address: 125 Washington Valley Road, Warren, New Jersey 07059  
Contract Amount: \$8,000.00 (Original Amount: \$14,500.00)  
Funding Source: City of Newark Budget/ Water and Sewer Utilities  
Contract Period: For an additional period of eight (8) months, expiring on May 1, 2013.  
Contract Basis: ☐ Bid   ☐ State Vendor   ☐ Prof. Ser.   ☐ EUS  
☐ Fair & Open   ☐ No Reportable Contributions   ☐ RFP   ☐ RFQ  
☐ Private Sale   ☐ Grant   ☐ Sub-recipient   ☒ N/A  
Location of Property: Block 2004, Lot 27, 537-545 Market Street, Newark, New Jersey  
Additional Information:  
Invitation: Water & Sewer Consultant and Assistant Business Administrator, June 5, 2013

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### Code sections:

Date	Ver.	Action By	Action	Result
6/6/2013	2	Municipal Council	Adopt	Pass

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**WHEREAS**, pursuant to Resolution 7R12g, August 3, 2011, the Municipal Council authorized the approval and execution of a Temporary Easement Agreement with Oceanvill Associates, LLC, 125

Washington Valley Road, Warren, NJ 07059 to facilitate the construction of the Jackson Street Combined Sewer Overflow (CSO) Netting Facility as mandated by the New Jersey Department of Environmental Protection (NJDEP) and agreed to by the City through the Administrative Consent Order; and

**WHEREAS**, pursuant to Resolution 7R12-a, January 20, 2010, after public bidding for the solicitation of proposals, the Municipal Council authorized the City of Newark to enter into an agreement with J. Fletcher Creamer Inc., to construct said Jackson Street Combined Sewer Overflow Netting Facility and subsequently a contract was executed and a Notice to Proceed was issued to J. Fletcher Creamer Inc.; and

**WHEREAS**, pursuant to Resolution 7R12-a, February 16, 2012, the Municipal Council authorized and approved a Change Order to the agreement with J. Fletcher Creamer Inc., to construct said Jackson Street Combined Sewer Overflow Netting Facility to allow for construction of said Facility after unknown subsurface conditions were discovered; and

**WHEREAS**, the Easement Agreement with Oceanvill Associates, LLC became effective September 2, 2011, however because of the time elapsed in obtaining the Change Order, the approved construction only resumed on July 30, 2012. After construction resumed, PSE&G relocated subsurface electrical lines, some eleven (11) months after the Easement Agreement became effective, thereby only allowing two (2) months of construction before the Easement Agreement expired; and

**WHEREAS**, Oceanvill Associates, LLC has allowed the construction to continue as the City attempts to satisfy the requirements of the Administrative Consent Order; and

**WHEREAS**, of the \$14,500.00 authorized for payment to Oceanvill Associates, LLC, only \$6,500.00 has been expended and \$8,000.00 remain available for use; and

**WHEREAS**, the Department of Water and Sewer Utilities desires to extend the Easement Agreement with Oceanvill Associates, LLC, for an additional period of eight (8) months with a new expiration date of May 1, 2013, and for the total cost of the extension for an amount not to exceed \$8,000.00, the amount remaining under the original Agreement.

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

1. The Temporary Construction Easement with Oceanvill Associates, LLC, 125 Washington Valley Road, Warren, New Jersey 07059, is ratified and extended for a period of eight (8) months with a new expiration date of May 1, 2013 and further payments to Oceanvill Associates, LLC limited to \$8,000.00, the amount remaining and not expended under the Original Agreement. This Temporary Construction Easement Extension will allow the City and its Contractor the continued right to enter on, occupy and use the property for the purpose of constructing the Jackson Street CSO Netting Facility as detailed in said agreement and allow for payment for that period after the expiration of the original Agreement.

2. The Acting Director of the Department of Water and Sewer Utilities has authorized the executed said Temporary Construction Easement on behalf of the City and payments per the Temporary Construction Easement are authorized.

3. The Temporary Construction Easement shall be extended for a period not to exceed eight (8) months without additional approval of the Municipal Council.

### **STATEMENT**

This Resolution ratifies and authorizes the City through the Department of Water and Sewer Utilities to extend the Temporary Construction Easement with Oceanvill Associates, LLC 125 Washington Valley Road, Warren, New Jersey 07059, for the purpose of constructing the Jackson Street Combined Sewer Overflow Screening Facility, in the amount of \$8,000.00, the amount remaining under the original Agreement, Resolution 7R12g, August 3, 2011.