

**RESOLUTION AUTHORIZING EXECUTION OF REVISED DEED OF EASEMENT FOR PERMANENT SEWER EASEMENT IN BUTLER BOROUGH PARK**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority (the “Authority”) proposes to construct an 18” diameter sanitary sewer line underneath the Butler Borough Park and therefore it was necessary to remove the Green Acres restrictions for its construction, maintenance and use (the “Project”); and

**WHEREAS**, in conjunction with the Project, it was necessary to remove the Green Acres restrictions for a permanent sewer easement consisting of 1,655.96 square feet (0.038 acres) in Block 14, Lot 30 situated in Borough Butler Park and set forth in a metes and bounds description prepared by DMC Associates, Inc. Professional Land Surveyors, dated August 13, 2018 (the “PRBRSA Permanent Sewer Easement”) included in the “Green Acres Application, Pre-Application and Final Application for Minor Disposal or Diversion of Parkland, Proposed Sanitary Sewer Installation, Borough of Butler Parkland Lot 30, Block 14,” (the “Green Acres Diversion Parcel”); and

**WHEREAS**, the Authority has previously adopted Resolution No. R-18-9-3 authorizing payment in the not-to-exceed sum of \$2,781.45 to the Borough of Butler, subject to approval by the State House Commission of the minor diversion or disposal necessary for PRBRSA’S Permanent Sewer Easement that was the subject of the Green Acres Application, as full Green Acres compensation for said diversion or disposal to be utilized towards installation of two new park benches and concrete base pads on Lots 1 and 30 in Block 14, to be completed by the Borough of Butler within six months of State House Commission approval; and

**WHEREAS**, the NJDEP Commissioner and the State House Commission agreed to release the Green Acres Diversion Parcel from Green Acres restrictions under the terms and conditions approved by the NJDEP Commissioner on February 4, 2019 and by the State House Commission on May 9, 2019 (DEP SHC File #1403001) as described in Schedule C to the Green Acres Release and Compensation Agreement, executed by the Borough of Butler on June 21, 2019 and NJDEP on July 11, 2019; and

**WHEREAS**, on June 19, 2019, the Authority adopted Resolution No. R-19-6-1 entitled “Resolution Authorizing Execution of Deed of Easement and Right of Way in Butler Borough Park for Permanent Sewer Easement”; and

**WHEREAS**, thereafter NJDEP, Green Acres Program, revised the Deed of Easement and Right of Way that had been authorized for execution pursuant to Resolution No. R-19-6-1; and

**WHEREAS**, the Authority desires to authorize the execution of the Deed of Easement for the Green Acres Diversion Parcel, in substantially the form attached hereto which reflects the revisions made by NJDEP, Green Acres Program, after the adoption of Resolution No. R-19-6-1, and which is subject to Ordinance approval by the Borough of Butler.

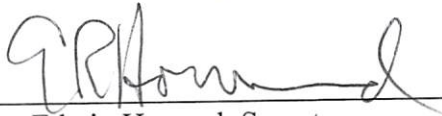
**NOW, THEREFORE, BE IT RESOLVED**, by the Pequannock River Basin Sewerage Authority in the Counties of Morris and Passaic in the State of New Jersey on this 21<sup>st</sup> day of August, 2019 as follows:

1. The Authority authorizes the Chairman to execute the Deed of Easement, in substantially the form attached hereto and which shall replace the Deed of Easement and Right of Way that was authorized for execution pursuant Resolution No. R-19-6-1.

2. This Resolution shall take effect immediately.

**CERTIFICATION**

Certified to be a true copy of a Resolution enacted at a duly convened public meeting of the Pequannock River Basin Regional Sewerage Authority on ~~June 19, 2019.~~ *August 21, 2019*

  
Edwin Howard, Secretary