

**RESOLUTION AMENDING THE TEMPORARY CONSTRUCTION EASEMENT BY AND BETWEEN THE BOROUGH OF BUTLER AND PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY, DATED APRIL 18, 2018**

**WHEREAS**, on March 20, 2018, the Borough Council of the Borough of Butler, County of Morris, State of New Jersey (hereinafter referred to as the “Borough”) authorized the execution of a “Temporary Construction Agreement for the Butler Borough Park” by and between the Borough and the Pequannock River Basin Regional Sewerage Authority (hereinafter referred to as “PRBRSA”) pursuant to Resolution No. 2018-38; and

**WHEREAS**, the Temporary Construction Agreement for Butler Borough Park was executed on behalf of the Borough on March 21, 2018 and on behalf of PRBRSA on April 18, 2018 for a temporary construction easement, the area being depicted in Exhibit A of said agreement, necessary for installation by PRBRSA of a new sewer line (the “Temporary Construction Easement”); and

**WHEREAS**, the Temporary Construction Easement is located in Block 14, Lot 30 on the Borough Tax Map, known as Butler Borough Park; and

**WHEREAS**, the installation of the new sewer line is within the permanent easement area of Butler Borough Park for which there was a minor diversion of Green Acre restrictions that was approved by the New Jersey Department of Environmental Protection (“NJDEP”) and the State House Commission; and

**WHEREAS**, during the construction of the new sewer line, unforeseen site conditions have arisen due to conflicting existing underground utilities that requires the new sewer line to be installed at a deeper elevation within the permanent easement area and results in the necessity to expand the area of the Temporary Construction Easement; and

**WHEREAS**, no modification of the permanent easement area is required; and

**WHEREAS**, a copy of the proposed expansion of the Temporary Construction Easement area is attached hereto which depicts an enlargement of the existing Temporary Construction Easement by approximately 2,140 square feet (the “Proposed Modification to Temporary Construction Easement”); and

**WHEREAS**, a copy of the Proposed Modification to Temporary Construction Easement was provided to NJDEP Green Acres; and

**WHEREAS**, the Borough of Butler affirms that no impact to recreational amenities in the Butler Borough Park will occur as a result of enlarging the Temporary Construction Easement to include the Proposed Modification to Temporary Construction Easement area; and

**WHEREAS**, an existing 8-inch plum tree will be saved as a result of the Proposed Modification to Temporary Construction Easement and an additional dead river birch tree within the Proposed Modification to Temporary Construction Easement will be removed and replaced; and

**WHEREAS**, NJDEP Green Acres has advised that the proposed amendment to the “Temporary Construction Agreement for the Butler Borough Park” for the inclusion of the Proposed Modification to Temporary Construction Easement area must provide that said area would be restored to pre-construction conditions; and

**WHEREAS**, NJDEP Green Acres has advised that the Temporary Construction Agreement for the Butler Borough Park may include an amendment for the two year term (together with the potential for a six-month extension) to reflect a commencement date of June 9, 2020 for the area encompassed by the Temporary Construction Easement and Proposed Modification to Temporary Construction Easement, said commencement date reflecting the date of the commencement of construction; and

**WHEREAS**, on June 16, 2020, the Borough adopted Resolution 2020-64 authorizing the Mayor to execute an Amended Temporary Construction Agreement for the Borough of Butler Park to enlarge the existing Temporary Construction Easement to include the additional 2,140 square foot area as depicted in the Proposed Modification to Temporary Construction Easement, together with the above mentioned provisions, in a form that is satisfactory to the Borough Attorney (the “Amended Temporary Construction Agreement”).

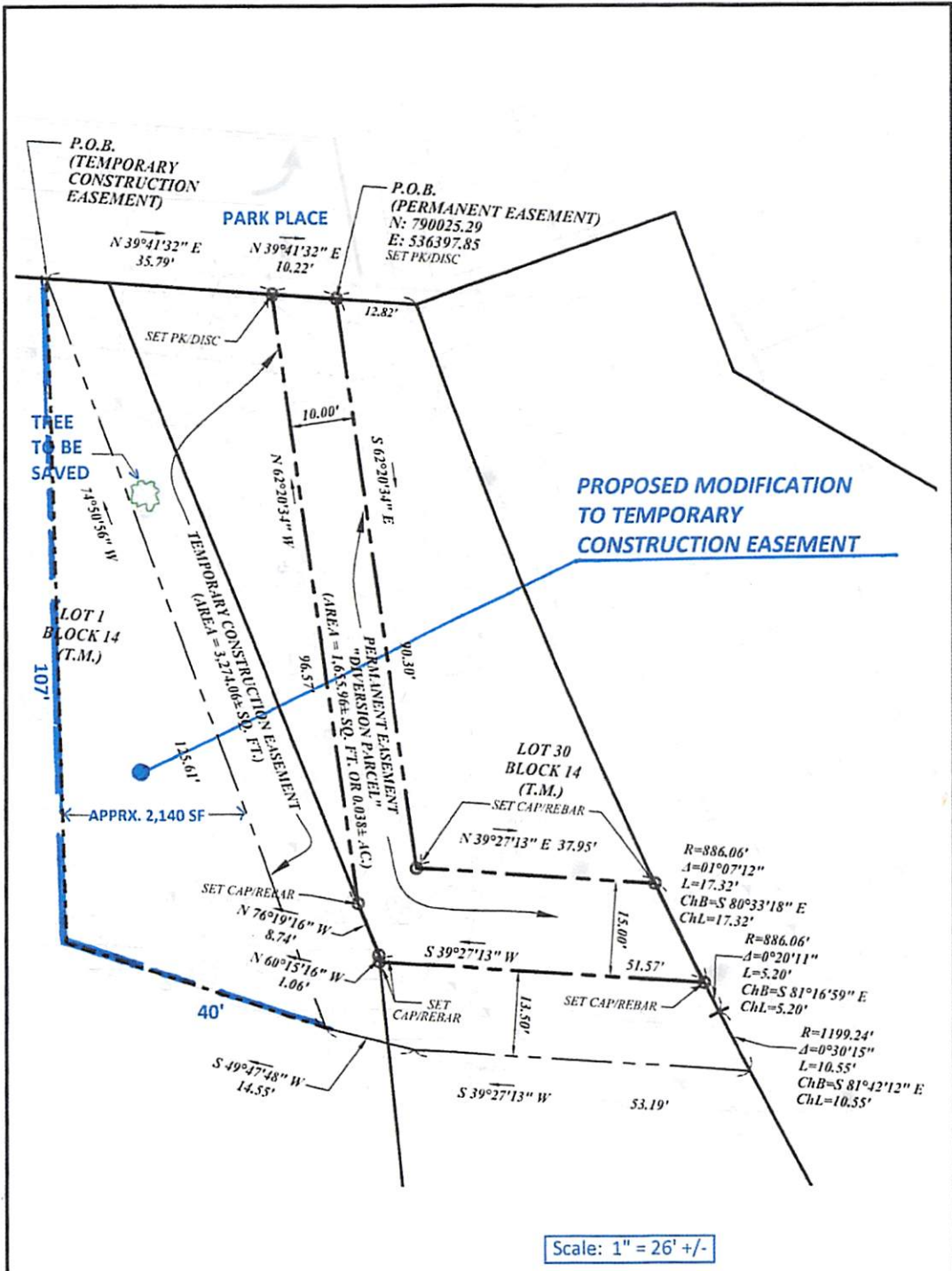
**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic in the State of New Jersey on this 17th day of June, 2020 as follows:

1. The Chairman is authorized and directed to execute the Amended Temporary Construction Agreement to enlarge the existing Temporary Construction Easement to include the additional 2,140 square foot area as depicted in the Proposed Modification to Temporary Construction Easement and include the above mentioned provisions in a form that is satisfactory to PRBRSA’s Attorney.
2. PRBRSA’s staff and consultants are hereby authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. This Resolution shall take effect as provided by law.

**CERTIFICATION**

Certified to be a true copy of a Resolution adopted by the Pequannock River Basin Regional Sewerage Authority at a duly convened meeting of the Authority held on June 17, 2020.

  
James P. Lampmann, Asst. Secretary

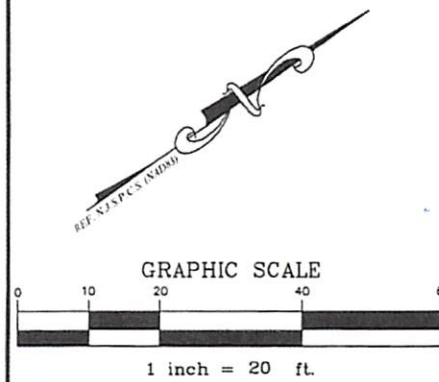


REVISION DATE	DESCRIPTION	BY
08/14/2018	REVISED BOUNDARY ANALYSIS PER TITLE BINDER REVIEW	ZM

**EXHIBIT "A"**

PROPOSED EASEMENTS  
 THROUGH BUTLER PARK, A.K.A. LOTS 1 & 30, IN BLOCK 14,  
 BOROUGH OF BUTLER,  
 MORRIS COUNTY, NEW JERSEY

**DMC ASSOCIATES, INC.**  
**PROFESSIONAL LAND SURVEYORS**  
211 MAIN STREET, BUTLER, NJ 07495  
 TEL: (973) 838-9187 FAX: (973) 838-4389 INFO@DMCSURVEYING.COM



DRAWN ZM	CHECKED R.L.C.	SCALE 1"=20'	DATE 03/13/2018	SHEET No. 1 OF 1	PROJECT No. 1707014
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