

9074. RESOLUTION 04-34 –AUTHORIZING A PROJECT WITH DELAWARE STATE UNIVERSITY. The Executive Director presented the following Resolution.

WHEREAS, the Delaware River and Bay Authority (The “Authority”) was created as a body politic and an agency of government of the State of Delaware and the State of New Jersey, by virtue of Chapters 145 and 146, Volume 53, Laws of Delaware, approved by the Governor of the State of Delaware July 21, 1961, and Chapter 66 of the Pamphlet Laws of 1961 of the State of New Jersey, approved by the Governor of the State of New Jersey June 3, 1961 (said Chapters 145 and 146 and said Chapter 66 issuing material being hereinafter sometimes collectively called the “Original Enabling Legislation”), pursuant to which the State of Delaware and the and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into a compact (hereinafter sometimes called the “Original Compact”) creating the Authority; and

WHEREAS, the consent of the Congress of the United States of America was given to the States of Delaware and New Jersey to enter into the Original Compact by a Joint Resolution of the Congress, approved September 20, 1962 (Public Law 87-678, 87th Congress); and

WHEREAS, by virtue of Chapter 252, Volume 67, Laws of Delaware, approved by the Governor of the State of Delaware June 28, 1990, and Chapter 192 of the Pamphlet Laws of 1989 of the State of New Jersey, approved by the Governor of the State of New Jersey October 18, 1989 (said Chapter 252 and said Chapter 192, together with the Original Enabling Legislation being hereinafter sometimes collectively called the “Enabling Legislation”), the State of Delaware and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into certain amendments to the Original Compact (as so amended and as may be further amended from time to time hereinafter sometimes called the “Compact”); and

WHEREAS, the consent of the Congress of the United States of America was given to the State of Delaware and New Jersey to enter into the Compact by a Joint Resolution of the Congress, approved November 15, 1990 (Public Law 101-565, 101st Congress); and

WHEREAS, by virtue of the Compact and the Enabling Legislation, the Authority’s powers include authorization to plan, finance, develop, construct, purchase, lease, maintain, improve and operate: (i) crossings between the States of Delaware and New Jersey, (ii) transportation or terminal facilities in Delaware and the New Jersey counties of Cape May, Cumberland, Gloucester and Salem and (iii) commerce facilities or development in Delaware and in the New Jersey counties of Cape May, Cumberland, Gloucester and Salem; and

WHEREAS, the Delaware State University (“DSU”) has submitted to the Authority a project that includes the development of a Hangar/office building, (the “Building”) which will house the University’s pilot training and related aviation programs; and

WHEREAS, the Authority has determined that it has the power to participate in this projects under the powers granted to it under the Compact and that such project would help fulfill the Authority's mission.

WHEREAS, the Authority will construct a 15,000+/- square foot office and hangar building at Delaware Air Park, in Cheswold, Delaware with approximately 9,850+/- square foot of the Building to be used by DSU for its pilot training program and related uses; and

WHEREAS, the Authority and DSU will execute a Development Agreement, which inter alia shall include the following terms:

1. Following the construction of the Building, the Authority will prepare an Enabling Declaration establishing a Plan for Condominium Ownership and a Code of Regulations to create a Condominium to be known as the Delaware Air Park Condominium.
2. The Condominium shall consist of two Units to wit: an Authority Unit and a DSU Unit.
3. After the Condominium at Delaware Air Park been created, the Authority will convey to DSU all right, title and interest in the DSU Unit pursuant to the terms and conditions of the Development Agreement and a Special Assessment Agreement.

WHEREAS, pursuant to the Development Agreement and the a Condominium Agreements, the Authority will provide project funding in an amount not to exceed \$1,250,000 toward the development costs of the portion of the aforementioned building (9,850+/- sq. ft.) that will be used be by Delaware State University; and

WHEREAS, Delaware State University as part of their obligations under the Condominium Agreement shall pay to the Authority an amount equal to the amount expended by the Authority for the development of the Delaware State University's portion of the building by monthly payments over a term not to exceed 240 months including interest that provides an internal rate of return of 2.8 % on net present value; and

WHEREAS, the Authority's Economic Development Committee has reviewed and recommended this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson, Vice Chairperson, and the Executive Director, subject to final review and approval of the Authority's Counsel, are authorized to execute all necessary and appropriate Agreements and related documents between the Authority and Delaware State University to provide project funding in an amount not to exceed \$1,250,000 for the development of an airport hangar/office building project at Delaware Air Park in Cheswold, Delaware.

Resolution 04-34 was moved by Commissioner Patterson, seconded by Commissioner Dorn. With Chairperson Parkowski abstaining, Resolution 04-34 was approved by a roll call vote of 9 in favor and 1 abstention (9-0-1).