

**10028. RESOLUTION 09-45 - AUTHORIZING A SUPPLEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE CITY OF MILLVILLE, NEW JERSEY DATED JULY 19, 2005**

WHEREAS, The Delaware River and Bay Authority (the "Authority") and the City of Millville, New Jersey (the "City") entered into an Acquisition Agreement (the "Acquisition Agreement"), dated August 1, 1999, and Ground Lease ( the "Ground Lease"), dated October 20, 1999 (collectively the Acquisition Agreement and the Ground Lease are referred to as the "Airport Agreements") regarding certain property and improvements thereto located in the City, commonly known as the Millville Airport (the "Airport"); and

WHEREAS, the Airport Agreements, inter alia, provided the Authority with a thirty (30) year leasehold interest in the Airport; and

WHEREAS, the Authority and the City entered into a Memorandum of Understanding (the "Memorandum") dated July 19, 2005 which set forth the terms and conditions of a modification to the Airport Agreements in order to release certain lands from the Airport for use by a developer in connection with an Airpark Motorsports Commercial District; and

WHEREAS, the Memorandum contemplated that the proposed development of the Airpark Motorsports Commercial District may require the relocation of the Airport's aircraft run-up area and, in such event, the City agreed to bear responsibility to pay for any and all costs and expenses of the relocation of said aircraft run-up area to a site to be determined at the sole discretion of the Authority; and

WHEREAS, the Authority applied for and received a grant (the "Grant") from the State of New Jersey, Division of Aeronautics Airport Aid, for a portion of the funds necessary for the design and construction of the relocation of the Airport's aircraft run-up area (the "Project"); and

WHEREAS, the Grant is structured as follows:

State Share (95%):	\$475,000
Recipient Share (5%):	<u>\$ 25,000</u>
<b>Project Total</b>	<b>\$500,000; and</b>

WHEREAS, the Authority, as the Airport sponsor, is to be the recipient of the Grant and is responsible for the operation of the Airport; and

WHEREAS, the City is responsible for completion of the Project pursuant to the Memorandum; and

WHEREAS, the City, by resolution, has appropriated \$25,000 for the Recipient Share of the Project; and

WHEREAS, the Authority and the City desire to supplement the Memorandum to reflect the receipt of the Grant and the allocation of responsibility with respect to the Project.

NOW THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of a Supplement to the Memorandum with the City for the design and construction of the relocation of the aircraft run-up area at Millville Airport, and, with the advice and consent of counsel, to have such Supplement to the Memorandum executed by the Chairperson, Vice Chairperson and Executive Director.

A motion to approve Resolution 09-45 was made by Commissioner Dorn, seconded by Commissioner Murphy, and approved by a roll call vote of 11-0.