

**9726. RESOLUTION 08-01 (FORMERLY 07-51) – AUTHORIZING THE TRANSFER OF LAND BY THE DELAWARE RIVER AND BAY AUTHORITY TO THE DELAWARE SOLID WASTE AUTHORITY**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the owner of a 21.24 acre parcel of land located proximate to the western approach roadways of the Delaware Memorial Bridge; and

WHEREAS, approximately 10 acres of this 21.24 acre parcel (the “Parcel”) has for many years been included within the 120 acre Pigeon Point landfill (the "Landfill") which is operated by the Delaware Solid Waste Authority ("DSWA"); and

WHEREAS, the Landfill operated from 1968 until 1985 and contains approximately 8 million tons of solid waste; and

WHEREAS, after discussions with the DSWA, the Authority proposes to convey the Parcel to the DSWA in order, for among other reasons, to avoid maintenance and environmental compliance expenses related to the Parcel and, in connection with the proposed conveyance of the Parcel, has recently obtained an appraisal to determine the fair market value of the Parcel; and

WHEREAS, that appraisal notes the fact that the DSWA currently pays nearly \$450,000 annually in closure expenses for the Landfill, which includes approximately \$37,500 annual expense attributable to the Parcel, and that this accrued and ongoing potential liability - combined with a geographic location which significantly diminishes its commercial value - as well as other environmental encumbrances that sharply limit its market and value, has lead the appraiser to determine the property likely has a \$0 value; and

WHEREAS, in exchange for the conveyance of this land to DSWA at no cost, DSWA will provide the Authority a general release which will relieve the Authority from any obligations for closure costs (past, current and future) and all liability related to the property; and

WHEREAS, in addition to the Land Transfer Agreement, an Easement Agreement shall be prepared that allows the DSWA to access the landfill maintenance road and several groundwater monitoring wells; and

WHEREAS, the Authority has also consistently been concerned about the threats to the safety of the traveling public posed by billboards and similar display structures being constructed and used on property proximate or adjacent to the approaches to the Authority's bridges and related facilities and, therefore, its conveyance of the Parcel to the DSWA will be conditioned on a total prohibition on the installation, construction or use of billboards and similar display structures on the Parcel; and

WHEREAS, the Projects Committee has reviewed, approved and recommends the Land Transfer and Easement Agreements.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of the Land Transfer and Easement Agreements with the Delaware Solid Waste Authority for a 21.24 acre parcel located adjacent to the western approach roadways of the Delaware Memorial Bridge, on terms consistent with this resolution, and have such Agreements, with the advice and consent of Counsel, executed by the Chairperson of the Budget and Finance Committee, Authority Vice Chairperson and the Executive Director.

A motion to approve Resolution 08-01 was made by Commissioner Lathem, seconded by Commissioner Simmerman. With Chairperson Parkowski abstaining, Resolution 08-01 was approved by a roll call vote of 10-0 with 1 abstention.