

9813. RESOLUTION NO. 08-35 - AUTHORIZES THE EXECUTION OF A NEW DELAWARE FERRY LANDING AND OPERATING AGREEMENT THAT SUPERCEDES THE AGREEMENT SIGNED ON APRIL 15, 1997

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 31, 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 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 States 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 Delaware and New Jersey, (ii) transportation or terminal facilities in Delaware or certain New Jersey counties and (iii) commerce facilities or developments in Delaware or certain New Jersey counties; and

WHEREAS, the Authority and the State of Delaware acting by and through the Department of Natural Resources and Environmental Control and the State of New Jersey acting by and through the Department of Environmental Protection, Division of Parks and Forestry, established via Resolution 97-20 an additional crossing between Fort Mott, New Jersey, Delaware City, Delaware, and Pea Patch Island, Delaware to provide transportation between

these facilities and to promote tourism for the region and economic development of both States;
and

WHEREAS, the Authority entered into the Delaware Ferry Landing and Operating Agreement with the State of Delaware, Department of Natural Resources and Environmental Control, Division of Parks and Recreation on April 15, 1997; and

WHEREAS, it is in the best interest of the Authority to enter into a new Agreement that supercedes the prior agreement signed on April 15, 1997; and

NOW THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized and directed to negotiate the final terms and conditions of the new Delaware Ferry Landing and Operating Agreement with the State of Delaware, Department of Natural Resources and Environmental Control, Division of Parks and Recreation; and to have such agreement, upon the advice and consent of counsel, executed by the Chairperson, the Vice Chairperson and the Executive Director.

A motion to approve Resolution 08-35 was made by Commissioner Lowe, seconded by Commissioner Favre, and approved by a roll call vote of 11-0.