

9142. RESOLUTION 04 – 56 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AND DELIVER APPLICATIONS, AMENDMENTS, AGREEMENTS, OR OTHER REQUIRED OR RELATED DOCUMENTS IN CONNECTION WITH IMPROVEMENTS TO APPROACHES ON INTERSTATE 295. 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 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 (herein 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 crossings, including bridges, tunnels and ferries and all approaches thereto and connecting and service routes, between the State of Delaware and the State of New Jersey across the Delaware River or Bay at any location south of the boundary line between the State of Delaware and the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said River; and

WHEREAS, the Authority owns, operates and maintains twin bridges known as the Delaware Memorial Bridge spanning the Delaware River from a point between Pigeon Point near the City of Wilmington in the State of Delaware and New Castle in said State to a point near

the Salem Canal in the State of New Jersey, together with their approaches, appurtenances and property; and

WHEREAS, the Authority operates and maintains certain approaches and appurtenances to the Delaware Memorial Bridge on existing Interstate 295 as provided in an April 25, 1961 agreement between the State Highway Department (now the Delaware Department of Transportation, "DeIDOT") and the Delaware Highway Interstate Highway Division (now the "Authority"), such approaches and appurtenances carrying a significant portion of the traffic moving across the Delaware Memorial Bridge; and

WHEREAS, DeIDOT and the Authority propose to undertake a project (the "Project") to improve the operation and safety of Interstate 295 from east of Interstate 95 to east of U.S. Route 13; and

WHEREAS, DeIDOT and the Authority propose that certain parcels of real estate owned by DeIDOT on which the Authority is operating and maintaining certain portions of Interstate 295 be conveyed to the Authority as part of the Project; and

WHEREAS, in accordance with the Authority's approved Capital Improvement Program, the Project requires work on both Authority and DeIDOT properties, and a funding agreement with DeIDOT is therefore necessary in order to place one construction contract for work on Interstate 295 northbound and one construction contract for work on Interstate 295 southbound; and

WHEREAS, in connection with the Project, the Authority has installed, and will operate and maintain, utilities and structures on DeIDOT property (that is not being conveyed to the Authority), and a permanent easement from DeIDOT to the Authority is therefore necessary and appropriate; and

WHEREAS, in connection with the Project, portions of existing Baylor Boulevard that cross under the three existing Authority Overpass Bridges 7R, 7E, and 7W must be relocated to the northern side of the said interchange to provide access to southbound US Route 13, and an agreement between the Authority and certain affected State of Delaware agencies is necessary and appropriate; and

WHEREAS, a Norfolk Southern Railroad Company track line passes under two Interstate 295 bridges near the Delaware Memorial Bridge and as part of the Project, the northbound Interstate 295 bridge will be replaced, and an agreement is therefore required between the Authority and Norfolk Southern Railway Company; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, with the advice of Counsel, is hereby authorized to execute and deliver any and all applications, amendments, agreements, certificates, and/or other related documents necessary or appropriate in connection with the Project, including, without limitation, those with or to be filed with any federal or state governments or agencies thereof, railroads, utility companies, or other persons having any interest in the Project.

Resolution 04-56 was moved by Commissioner Lathem and seconded by Commissioner Koebig and approved by a roll call vote of 10-0.