

10513. RESOLUTION 12-13 - EASEMENT AGREEMENT AMONG THE DELAWARE RIVER AND BAY AUTHORITY, THE STATE OF DELAWARE AND THE DELAWARE SOLID WASTE AUTHORITY

WHEREAS, the State of Delaware (the "State"), on behalf of the Delaware River and Bay Authority ("DRBA"), holds title to property located in New Castle County, State of Delaware, located adjacent to and under the approach for I-295 (the "Property"); and

WHEREAS, the DRBA operates and exercises control over such Property; and

WHEREAS, the Delaware Solid Waste Authority ("DSWA") desires to obtain an approximately twenty (20) foot wide easement across the Property for the purpose of constructing a landfill gas pipeline to enable the transfer of landfill gas and associated condensates along the pipeline for the eventual sale and distribution of such landfill gas to third party users; and

WHEREAS, DSWA desires the right to assign the easement to a party or entity whose business is exclusively for the purpose of transferring landfill gas without approval of the State or the DRBA, provided, DSWA shall remain liable for all obligations in the easement agreement (the "Landfill Gas Line Easement Agreement") following such assignment; and

WHEREAS, DSWA intends to assign the Landfill Gas Line Easement Agreement to Cherry Island Renewable Energy, LLC ("CIRE"); and

WHEREAS, the approval of this easement by the DRBA is conditioned upon DSWA requiring CIRE to construct a six inch (6") lateral stub to service DRBA facilities at a location to be mutually agreed upon; and

WHEREAS, the State and the DRBA desire to enter into an easement agreement with DSWA to formalize the parties rights and obligations with respect to the easement.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby to authorized to finalize the terms and conditions of the Landfill Gas Line Easement Agreement with the State and the DSWA, and with the advice and consent of counsel, to have such Landfill Gas Line Easement Agreement executed by the Chairperson, the Vice Chairperson and the Executive Director.

A motion to approve Resolution 12-13 was made by Commissioner Favre, seconded by Commissioner Downes, and approved by a roll call vote of 10-0.

Resolution 12-13 Executive Summary

Resolution: Authorizes a Landfill Gas Line Easement Agreement among the Delaware River and Bay Authority, the State of Delaware and the Delaware Solid Waste Authority

Committee: Projects Committee

Committee Date: April 17, 2012

Board Date: April 17, 2012

Purpose of Resolution: Authorizes the Executive Director, Chairman and Vice Chairman to execute and deliver an easement agreement across a parcel of land adjacent to and under the approach to I-295. The approval of this easement is conditioned upon DSWA including a requirement in the assignment to Cherry Island Renewable Energy, LLC (“CIRE”) that CIRE construct a six inch (6”) lateral stub to service DRBA facilities located on the property.