

AN ORDINANCE AUTHORIZING THE CITY OF ELIZABETH TO EXECUTE AN EASEMENT AGREEMENT WITH THE NATIONAL RAILROAD PASSENGER CORPORATION D/B/A AMTRAK IN CONNECTION WITH THE ELIZABETH RIVER FLOOD CONTROL PROJECT AND ELIZABETH RIVER TRAIL – PHASE 4, 1-3 CHERRY STREET (BLOCK 6, LOT 158).

WHEREAS, the Director of the Department of Public Works requests City Council adopt an Ordinance authorizing the proper City Officials to execute all documents in connection with an Easement Agreement with the National Railroad Passenger Corporation D/B/A Amtrak for the Elizabeth River Flood Control Project and Elizabeth River Trail – Phase 4, 1-3 Cherry Street (Block 6, Lot 158); and

WHEREAS, this Easement Agreement is necessary to allow the City of Elizabeth to operate, maintain and repair the Elizabeth River Flood Control Project as well as construct a portion of the Elizabeth River Trail – Phase 4 between Rahway Avenue and Murray Street. A condition of the Agreement is that the City provide self-insurance coverage for general liability in the amount of two-million (\$2,000,000.00) dollars per occurrence. National Railroad Passenger Corporation D/B/A Amtrak also requires an easement fee of two thousand four hundred and fifty (\$2,450.00) dollars per year based on an appraisal prepared by the City of Elizabeth. The City will also retain easement rights until either party elects to terminate the Agreement; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available and appropriated for this purpose and Certification No. 17-06834 for an amount not to exceed \$2,450.00 per year to Account No. X-04-55-999-X66-001 of the Municipal Budget, is on file in the Office of the City Clerk; now, therefore, be it

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - That the Mayor and proper City Officials are hereby authorized to execute all documents necessary in connection with an Easement Agreement with the National Railroad Passenger Corporation D/B/A Amtrak for the Elizabeth River Flood Control Project and Elizabeth River Trail – Phase 4, 1-3 Cherry Street (Block 6, Lot 158).

SECTION 2. – The City shall provide self-insurance coverage for general liability in the amount of two-million (\$2,000,000.00) dollars per occurrence. The City shall pay the National Railroad Passenger Corporation D/B/A Amtrak an annual easement fee of two thousand four hundred and fifty (\$2,450.00) dollars. The City of Elizabeth shall retain easement rights until either party elects to terminate the Agreement.

SECTION 3. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

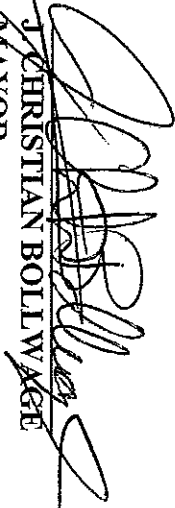
SECTION 5. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.


PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on
MAR 29 2017
City Clerk

PASSED: 3/28/17


CARLOS L. FORRES
PRESIDENT OF CITY COUNCIL

APPROVED: DS-30-17


J. CHRISTIAN BOLLWAGE
MAYOR

ATTEST:

YOLANDA M. ROBERTS R.M.C.
MUNICIPAL CLERK