

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2011 - 072 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY TO ENTER INTO AN AGREEMENT WITH TENNESSEE GAS PIPELINE FOR INSTALLATION OF A 30" OUTSIDE DIAMETER UNDERGROUND LOOP PIPELINE FACILITY ON THE WALLISCH PROPERTY

WHEREAS, the Township of West Milford and the West Milford Board of Education are the owners of approximately 89 acres of land located within the Township which were devised by the Last Wills and Testaments of John Wallisch and Louis Wallisch; and

WHEREAS, more specifically the property is known as Block 6601, Lot 1; Block 6401, Lot 6.01; Block 6501, Lot 4; Block 6401, Lot 5 and Blocks 6607 and 6608; and

WHEREAS, Tennessee Gas Pipeline Company with offices located in Houston, Texas is the owner of an existing gas pipeline that runs through said property by virtue of easements granted by the former owners of the property; and

WHEREAS, Tennessee Gas Pipeline Company has submitted application to and received approval from Federal authorities to expand upon and increase the scope of its operations such approvals authorizing the construction, installation, modification, replacement, operation, maintenance, repair, monitoring, restoration, and other similar activities for certain facilities on the Property, including a thirty (30") inch outside diameter underground loop pipeline facility ("325 Loop Segment") to be located generally parallel to an existing twenty-four (24") inch pipe line located on a number of properties including the Wallisch property; and

WHEREAS, a Right of Entry Agreement to memorialize specific terms as to (1) disturbance, (2) wetlands mitigation, (3) Federal compliance and (4) preservation of historic trees on site will be executed between both parties; and

WHEREAS, the Township's Administrator and Attorney will review and modify as necessary this Right of Entry Agreement between the parties in the best interest of the Township and ensure proper filing of same in the Office of the Township Clerk; and

WHEREAS, the Township Administrator recommends proceeding with this project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Mayor and Township Clerk be and are hereby authorized to enter into an agreement with Tennessee Gas Pipeline and the West Milford Township Board of Education to authorize a Right of Entry Agreement to provide for the Federally approved expansion of the pipeline in accordance with the Federally approved application for same, and the terms of the Right of Way Agreement approved.

BE IT FURTHER RESOLVED that this agreement commits Tennessee Gas Pipeline Company to the realignment of the project as outlined in their presentation to the Township Council at the workshop meeting on January 5, 2011 wherein the project lines were adjusted and modified to provide for protection and preservation of four (4) historically significant trees located on the property.

BE IT FURTHER RESOLVED the Township's Administrator and Attorney will review and modify as necessary this Right of Entry Agreement between the parties in the best interest of the Township and ensure proper filing of same in the Office of the Township Clerk.

This Resolution shall take effect immediately.

Adopted: January 19, 2011

Adopted this 19th day of January 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk

Resolution Book; Administrator; Department Heads; Subject File