

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 147-2013

A RESOLUTION OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE TOWNSHIP OF MOORESTOWN AND ROUSE-MOORESTOWN , INC. ASSIGNING AND DELEGATE THE TOWNSHIP'S RIGHTS AND OBLIGATIONS UNDER A MAINTENANCE AGREEMENT BETWEEN THE TOWNSHIP AND THE STATE OF NEW JERSEY

WHEREAS, pursuant to Utility Opening Permit No. O-038-3-05-825642, issued to the Township by the State of New Jersey (hereinafter referred to as the "State"), Township installed a dry intake pipe, intake risers and related apparatus (the "Fire Control Water Supply System") within the southerly Right of Way of Route 38, Moorestown, County of Burlington, between Nixon Drive and the North Branch of Pennsauken Creek (the "ROW Maintenance Area"), as more particularly shown on Exhibit A, attached hereto and made a part hereof;

WHEREAS, pursuant to that certain Maintenance Agreement entered into between the Township and the State dated _____, 2013, a copy of which is annexed hereto as Exhibit B, the State granted to Township the right to perform Routine Maintenance, as such term is defined in the Maintenance Agreement, of the Fire Control Water Supply System;

WHEREAS, the Fire Control Water Supply System is located within the vicinity of real property owned by Rouse-Moorestown, Inc., which real property includes Lot 3 in Block 3000 on the Official Tax Map of the Township of Moorestown (the "Property"), and was installed to serve the Property;

WHEREAS, the Maintenance Agreement permits Township to contract with third parties to perform the Routine Maintenance contemplated by the Maintenance Agreement; and

WHEREAS, subject to the terms hereof, Township desires to assign and delegate its rights and obligations under the Maintenance Agreement to Rouse-Moorestown, Inc., and Rouse-Moorestown, Inc. desires to accept and assume such assignment and delegation of Township's rights and obligations under the Maintenance Agreement and otherwise accept responsibility for the maintenance of the Fire Control Water Supply System.

WHEREAS, it is deemed to be in the best interest of the Township and its citizenry, for the Township to enter into the Assignment and Assumption Agreement with Rouse-Moorestown, Inc.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT:

1. The Mayor and Township Clerk are hereby authorized to execute the attached Assignment and Assumption Agreement between Township and Rouse-Moorestown, Inc.
2. A copy of this resolution and the executed Agreement shall be filed in the Office of the Township Clerk.

VOTE:
JORDAN
CHIAICCHIO
NEWCOMER
NAPOLITANO
GARWOOD

Certified to be a true and correct copy of a resolution adopted by the Township Council at its meeting on August 19, 2013.

Patricia L. Hunt, Township Clerk