

**Resolution No. 2020-03**

**A Resolution to Authorize the City Administrator to Execute an Easement Agreement with the Trustees of the New Castle Common to Grant Access to Trustee property to permit the construction and maintenance of the proposed Dobbinsville fishing pier.**

**WHEREAS**, the City of New Castle (the “City”) has been working with the State Department of Natural Resources and Environmental Control (DNREC) to facilitate the construction of a fishing pier and related facilities (e.g. lighting, parking, trash cans, and portable toilets) in the Dobbinsville area (collectively, the “Fishing Pier Facility”); and

**WHEREAS**, the Fishing Pier Facility is to be located both on City owned property (Tax parcels 21-016.00-001 & 002) and partially on property owned by the Trustees of the New Castle Common (the “Trustees”) known as Tax Parcel 21-017.00-116; and

**WHEREAS**, the operation and maintenance of the Fishing Pier Facility will be controlled by a Memorandum of Understanding (MOU) between DNREC and the City to be negotiated and signed at a later date; and

**WHEREAS**, City’s main responsibilities under the MOU are expected to be: (1) payment of utility bills for lighting installed by DNREC; (2) installation and maintenance of security recording cameras; (3) grounds maintenance including grass mowing, snow plowing, trash removal and LED light bulb replacements; (4) providing periodic police patrols; and (5) installation and maintenance of at least two portable toilets; and

**WHEREAS**, DNREC requires that the City must secure an easement from the Trustees to permit construction and maintenance of the Fishing Pier Facility and to assure access to Tax Parcel 21-017-00-116 owned by the Trustees before it will enter into the MOU; and

**WHEREAS**, the City has negotiated an easement agreement with the Trustees to permit access to Tax Parcel 21-017.00-116 and to construct the Fishing Pier Facility; and

**WHEREAS**, the proposed easement provides the City and its agents with access to Tax Parcel 21-017.00-116 and includes indemnity provisions as to any personal injuries or property damage caused by the activities occurring at the Fishing Pier Facility; and

**WHEREAS**, the proposed easement has been reviewed and approved by the Trustees, the City Solicitor and the City Administrator;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Administrator is authorized to execute, delivery and record the proposed easement agreement with the Trustees.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**[No further text. Signature page follows.]**

**PASSED** this 14 day of January, 2020.

\_\_\_\_\_  
Linda Ratchford, City Council President

\_\_\_\_\_  
Valarie W. Leary, Councilperson

\_\_\_\_\_  
Michael Platt, Councilperson

\_\_\_\_\_  
Russell P. Smith, Councilperson

\_\_\_\_\_  
Suzanne M. Souder, Councilperson

Attest:

\_\_\_\_\_  
Brian Whitaker, City Clerk.