

RESOLUTION
of the
HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (“HTMUA”)
regarding
AGREEMENT BETWEEN
RIVERDALE QUARRY CO, INC.,
HARDYSTON TOWNSHIP and
HTMUA

WHEREAS, Riverdale Quarry Co., Inc. “Riverdale” and the HTMUA entered into a written agreement dated September 7, 1990 regarding the “Construction, Operation and Ownership of a Fire Protection System Servicing the North Church Technical Center” (hereinafter referred to as the “**1990 Agreement**”). The 1990 Agreement contemplated that Riverdale would construct and install a water-based fire protection system, consisting of “pipes, conduits, pumps, hydrants, valves and appurtenances” together with a storage tank that would physically connect to and service each lot and contemplated industrial building in the North Church Technical Center development in Hardyston Township (said improvements and system and easements collectively hereinafter referred to as the “**Fire Suppression System**”). The 1990 Agreement identified the “North Church Technical Center” as the following lots in Block 62 on the Hardyston Township tax map: 18.01, 18.03 through 18.14 inclusive, 18.16, 18.17, 22.01, 22.02 and 22.03, which were also included in a major subdivision plat registered in the Sussex County Clerk’s Office under the name, “North Church Technical Center.” In addition to other obligations, the 1990 Agreement obligated Riverdale to complete the Fire Suppression System at its own expense. Ultimately, the 1990 Agreement contemplated that Riverdale would convey the completed Fire Suppression System to HTMUA at no cost to HTMUA. As an agreement recorded with the Sussex County Clerk’s Office, the 1990 Agreement is a part of the title of each of its enumerated lots in the North Church Technical Center development; and

WHEREAS, to date, the Fire Suppression System in the North Church Technical Center development has not been fully constructed by Riverdale, nor have the Fire Suppression System or its accompanying easements been transferred to or accepted by HTMUA. Some improved lots in said development require an active, sprinkler-type fire suppression system possessing the capabilities anticipated in the 1990 Agreement. Some improved lots do not. Some lots conveyed from Riverdale to third parties in said development have a deed reference to required easements for the Fire Suppression System. Some lots do not. Many components of the Fire Suppression System are in place. Some components are not. Some components of the Fire Suppression System are compliant with current fire suppression system regulations and requirements. Some components are not. A recent survey of property owners revealed that some lot owners were willing to share the cost of completing and maintaining the Fire Suppression System. Some lot owners were not so willing or were unresponsive; and

WHEREAS, Riverdale seeks to enter into a written agreement with Hardyston Township and HTMUA to assist in the completion of the fire suppression system and conclude Riverdale’s obligations under the 1990 Agreement; and

WHEREAS, Hardyston Township seeks to enter into a written agreement in order to maintain the viability and value of the North Church Technical Center development with a functioning Fire Suppression System without placing a financial burden on other, non-affected persons or properties of Hardyston Township; and

WHEREAS, HTMUA has the technical ability to inspect, operate and maintain the fire suppression system and to administer the system and billing the users of said system within a designated rate structure;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the HTMUA as follows:

1. HTMUA is authorized to enter into a written agreement with Riverdale and Hardyston Township, in the form attached hereto, and the HTMUA Chair is authorized to sign said agreement and the HTMUA Chair's September 10, 2012 execution of said agreement is hereby ratified.

Certified as a true copy of the Resolution
adopted by the Hardyston Township
Municipal Utilities Authority at its
regular meeting held on October 1, 2012

Approving: ____
Opposing: ____
Abstaining: ____
Recusing: ____

Gail C. Hensal, Secretary