

**RESOLUTION NO. 11 of 2022**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NANTICOKE, LUZERNE COUNTY, PENNSYLVANIA, APPROVING A DEED OF DEDICATION AND AGREEMENT RELATING TO THE DEDICATION, ACCEPTANCE AND MAINTENANCE, REPAIR AND REPLACEMENT OF THE SANITARY SEWER SYSTEM AT ESPY AND DZIAK DRIVES, NANTICOKE, PENNSYLVANIA, FROM EARTH CONSERVANCY AND NP BGO TRADEPORT INDUSTRIAL, LLC AND APPROVAL OF A SEWER LINE OPERATION AND MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NANTICOKE, EARTH CONSERVANCY AND NP BGO TRADEPORT INDUSTRIAL, LLC**

**WHEREAS**, Earth Conservancy and NP BGO Tradeport Industrial, LLC have installed a certain sanitary sewer line in the City of Nanticoke; and

**WHEREAS**, Earth Conservancy and NP BGO Tradeport Industrial, LLC have requested that the City of Nanticoke accept dedication of said line; and

**WHEREAS**, the City of Nanticoke has agreed to accept dedication of said sewer line contingent upon Earth Conservancy, NP BGO Tradeport Industrial, LLC and their respective successors and assigns, agreeing to maintain, repair and replace the sanitary sewer system as more particularly set forth in the Deed of Dedication and Operation and Maintenance Agreement.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Nanticoke, and it is hereby resolved by the authority of the same as follows:

1. The City Council of the City of Nanticoke hereby agrees to accept the Deed of Dedication and Agreement relating to the dedication, acceptance and maintenance, repair and replacement of the sanitary sewer system at Espy and Dziak Drives located in the City of Nanticoke, a copy of which is attached hereto, made a part hereof and marked as Exhibit "A".
2. The City Council of the City of Nanticoke hereby approves the sewer line Operation and Maintenance Agreement between the City of Nanticoke, Earth Conservancy and NP BGO Tradeport Industrial, LLC, a copy of which is attached hereto as Exhibit "B".
3. These approvals are contingent upon Earth Conservancy paying for any sewer tap-in fees and NP BGO Tradeport Industrial, LLC, its successors and assigns, paying for any sewer maintenance fees which are due and owing to the City of Nanticoke.
4. The Mayor is authorized to execute the attached Deed of Dedication and Operation and Maintenance Agreement.

**RESOLVED** this 6<sup>th</sup> day of April, 2022 by the City Council of the City of Nanticoke.

ATTEST:

CITY OF NANTICOKE

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Jennifer W. Polito, City Clerk

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William Brown, Council President