**Resolution Example**

**Resolution Approving the Notice in Lieu of Deed Notice for[*describe the Property* and location (e.g., street, intersection/cross streets, sidewalk), Municipality, County]; Acknowledging the Use Restrictions on the Property and the Obligations Imposed on the [*City/County*] Detailed Therein; and Authorizing Execution of the Notice in Lieu of Deed Notice, the Soil Remedial Action Permit Application, and Related Documents for the Property**

Resolved by [*Municipality or County*]

**WHEREAS**, the [*Municipality or County*] is the Owner of certain real property designated as [*describe the Property* and location (e.g., street, intersection/cross streets, sidewalk), Municipality, County] (“Property”) (as shown in Attachment A)]; and

**WHEREAS**, hazardous substances discharged at the real property located at [*Street Address of Site, Municipality, County*] (“Site”), which DEP has designated as Site Remediation Program Interest No. PI Number # [ ], have been identified at the Property; and

**WHEREAS**, [*PRCR name*] is the Person Responsible for Conducting the Remediation (“PRCR”)of the Site and the PRCR’s Licensed Site Remediation Professional, [*identify the person and license number*] has approved a remedial action for the Site that will result in soil contamination remaining on the Property in concentrations that do not allow for the unrestricted use of the Property and which requires the use of engineering and/or institutional controls defined by the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1.3, and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-1.8; and

**WHEREAS**, in accordance with N.J.A.C. 7:26C-7.2(b)(2), the PRCR has prepared the attached Notice in Lieu of Deed Notice which documents the required engineering and institutional controls; and

**WHEREAS**, a Soil Remedial Action Permit (“RAP”) issued by the New Jersey Department of Environmental Protection is required to memorialize the operation, maintenance, and monitoring required by the PRCR/Owner for the Notice in Lieu of Deed Notice [*add if appropriate…and engineering control(s)];* and

**WHEREAS**, it is in the best interest of the citizens of [*identify the municipality or county*] to agree to the use restriction(s) and maintenance and monitoring requirements on the Property and to execute the Notice in Lieu of Deed Notice and related documents.

**NOW AND THEREFORE BE IT RESOLVED BY** the [*identify the entity and municipality and county or county only if this is a county resolution*] in the State of New Jersey, that:

1. The proper officials of the [*identify the entity and municipality or county*] are hereby authorized to execute a Notice in Lieu of Deed Notice, the Soil RAP Application, and all related documents required now and in the future for the Property and by attaching a copy of this Resolution to the document; and

2. The use restrictions on the Property detailed in the Notice in Lieu of Deed Notice and Soil RAP will be honored; and

3. Any operation, maintenance, and monitoring tasks assigned to the Owner in the Notice in Lieu of Deed Notice and/or Soil RAP will be performed in accordance with the Soil RAP and applicable statutes and requirements.