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2 **Resolution Relating to**  
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6 **APPROVAL OF SECOND AMENDMENT**  
7 **TO LANDOWNER PRP SETTLEMENT**  
8 **PARTICIPATION AGREEMENT**  
9

**RESOLUTION** \_\_\_\_\_  
Sponsor(s): Councilors Keogh,  
Davis, Decelles: Bd. of Finance  
Introduced: 2/8/10  
Referred to: \_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

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13 **CITY OF BURLINGTON**

14 In the year Two Thousand Ten.....  
15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, in the 1980s, the City of Burlington was named a potentially responsible  
18 party ("PRP") in connection with the Pine Street Barge Canal Superfund Site ("Site") due to its  
19 ownership of land within the Site; and

20 WHEREAS, to settle the various claims concerning the Site, the City entered into certain  
21 agreements with other PRPs, including the Landowner PRP Settlement Participation Agreement  
22 ("Landowners Agreement") pursuant to which the City and other Landowner PRPs agreed on a  
23 cost-sharing mechanism for the Landowner group's share of Qualified Superfund Liability Costs  
24 ("QSLCs") incurred by the Gas Plant Parties in remedying the Site; and

25 WHEREAS, at the time, the Landowner group's initial contribution was projected to  
26 cover that group's share of QSLCs for the then foreseeable future; and

27 WHEREAS, in 1998, when total QSLCs were projected to be much less than originally  
28 projected, the Landowner PRP Group agreed to a partial refund of their initial contributions,  
29 subject to the obligation to repay all or a portion of the refund if QSLCs reached a certain level;  
30 and

31 WHEREAS, QSLCs have now reached this predetermined level, and the Landowner PRP  
32 Group has agreed to repay the refunds received in their entirety in two installments, one due  
33 March 31, 2010, and the other due March 31, 2011.  
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**Page TWO**

**Resolution Relating to**  
APPROVAL OF SECOND AMENDMENT  
TO LANDOWNER PRP SETTLEMENT  
PARTICIPATION AGREEMENT

NOW THEREFORE, BE IT RESOLVED by the City Council that the Honorable Bob  
Kiss, Mayor, be and hereby is authorized to execute the Second Amendment to Landowner PRP  
Settlement Participation Agreement pursuant to which the City will repay the refund it received  
in 1998.

211160-7 Resolution to Approve Second Amendment to Landowner PRP Settlement Participation Agreement