

## NEW YORK CITY WATER BOARD

July 10, 2009

### RESOLUTION

**WHEREAS**, the Water and Wastewater Systems of the City of New York (the “City”) have been leased to the New York City Water Board by the City pursuant to an Agreement of Lease (the “System Lease”), dated as of July 1, 1985, as amended;

**WHEREAS**, the System Lease requires the City to administer and operate the leased property, maintain the leased property in good and safe order and condition and make all repairs therein;

**WHEREAS**, the City is a plaintiff in a civil action (the “Action”) entitled *City of New York v. Amerada Hess Corp., et al.* 04 civ. 3417 (S.D.N.Y.) in which the City is seeking damages from petroleum refiners and other defendants for the cost of removing methyl tertiary butyl ether from the City’s drinking water wells in southeastern Queens, which upon the City’s acquisition from the Jamaica Water Supply Company in 1996 became part of the leased property leased to the Board pursuant to the System Lease;

**WHEREAS**, the Court, by order dated July 6, 2009, joined the New York City Water Board and the New York City Municipal Water Finance Authority as party plaintiffs to the Action; and

**WHEREAS**, the City and certain defendants in the Action have proposed to settle the Action with respect to such defendants upon terms and conditions which the Board considers reasonable and appropriate and not detrimental to the interests of the Board and the City may hereafter agree to fully or partially settle any other aspect of the Action with any other defendant; it is therefore

**RESOLVED**, that the Board hereby approves the proposed settlements and authorizes the Executive Director, Treasurer, or Secretary, each acting individually, upon the advice of counsel to execute such documents as any of them shall approve, such approval to be conclusively evidenced by such execution, as may be necessary or appropriate to effectuate the proposed settlements and authorizes the Executive Director, upon the advice of counsel, to fully or partially settle any other aspect of the Action with any other defendant and to otherwise give effect to this Resolution.