

RESOLUTION 2026- 113

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE SOLICITATION OF BIDS FOR A CELL TOWER LEASE FOR THE WIRELESS COMMUNICATIONS FACILITY AT BLOCK 36, LOT 1 ON THE BOROUGH'S OFFICIAL TAX MAPS

WHEREAS, there currently exists a land lease agreement (the "**Agreement**") by and between the Borough of Mount Arlington (the "**Borough**") and New York SMSA Limited Partnership d/b/a Verizon Wireless ("**Verizon**"), for a portion of the property owned by the Borough known as Block 36, Lot 1, and commonly known as the Mount Arlington Department of Public Works Lot on Altenbrand Avenue within the Borough (the "**Property**") for the construction and operation of a wireless communication monopole and related facilities which expires imminently; and

WHEREAS, the said monopole communications lease was conveyed to Crown Atlantic Company LLC ("**Crown**") via a Contribution, Assignment and Assumption dated August 28, 2001; and

WHEREAS, Crown subsequently entered into a Site Lease Acknowledgment ("**Acknowledgment I**") with Sprint Spectrum, L.P. ("**Sprint**") on November 28, 2001, in which Crown leased and/or subleased to Sprint a portion of the Property, together with a non-exclusive right to use the perimeter of the area for subsurface grounding systems and for legal ingress and egress 24 hours a day, 7 days a week for certain communication facilities; and

WHEREAS, on January 9, 2002, Crown subsequently entered into a Site License Acknowledgment ("**Acknowledgment II**") with AT&T Wireless Services, Inc. ("**AT&T**") for the right to install certain antennas and equipment on the Property for a license term of five years, with the Acknowledgment II automatically renewing itself for four consecutive, five-year periods; and

WHEREAS, on April 19, 2004, a Co-Location Agreement was entered into by and between Crown, Omnipoint Facilities Network 2, LLC and the Borough, regarding the reimbursement to Crown for its pro-rata share of the cost of development and maintenance of the Property; and

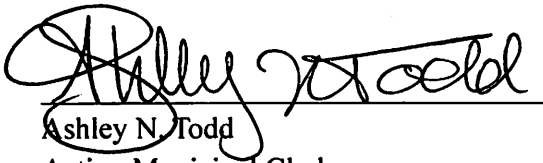
WHEREAS, upon the expiration of the Agreement in accordance with its terms and in accordance with applicable law, the Borough now desires to enter into a new land lease for the Property (the "**Cell Tower Lease**"); and

WHEREAS, the Borough is now required to conduct public bidding therefor in accordance with the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et seq.* (the "**LLBL**"), and the Borough is desirous of authorizing the same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mount Arlington, in the County of Morris, State of New Jersey, as follows:

1. The forgoing recitals are incorporated herein as if set forth at length.
2. The Borough Council hereby authorizes and directs the Borough's Qualified Purchasing Agent, under the direction of the Borough Administrator and with the assistance of legal counsel, to prepare bid specifications in accordance with the LLBL for the Cell Tower Lease.
3. The Borough Council hereby further authorizes and directs the Borough Clerk, once the bid specifications have been prepared, to advertise and solicit bids pursuant to the LLBL for the Cell Tower Lease, all in accordance with the forgoing.
4. This resolution shall be effective immediately.

Attest:


Ashley N. Todd
Acting Municipal Clerk