

ORDINANCE 20-14

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING A LEASE OF A PORTION OF BAY HEAD
MUNICIPAL COMPLEX FOR THE INSTALLATION AND
OPERATION OF TEMPORARY WIRELESS
COMMUNICATIONS TOWER(S) AND
APPURTENANCES**

WHEREAS, the Borough intends to award New Cingular Wireless PCS, LLC as the Lead Bidder, Cellco Partnership d/b/a Verizon Wireless as a Co-locator, and T-Mobile Northeast, LLC as a Co-locator, one (1) year lease agreements with 3 additional one year renewals for the construction and operation of a temporary Wireless Communications Tower and appurtenance by resolution; and

WHEREAS, the construction and operation of said temporary wireless telecommunication tower and appurtenance requires that the Borough convey lease interests in a portion of property at 83 Bridge Avenue known as Block 51.01 Lot 1 on the Tax Map of the Borough of Bay Head to New Cingular Wireless PCS, LLC as the Lead Bidder, Cellco Partnership d/b/a Verizon Wireless as a Co-locator, and T-Mobile Northeast, LLC as a Co-locator; and

WHEREAS, N.J.S.A. 40A:12-14 requires that such conveyance be authorized by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Borough Council hereby conveys to New Cingular Wireless PCS, LLC as the Lead Bidder, Cellco Partnership d/b/a Verizon Wireless as a Co-locator, and T-Mobile Northeast, LLC as a Co-locator, lease interests in a portion of property at 83 Bridge Avenue known as Block 51.01 Lot 1 on the Tax Map of the Borough of Bay Head for the



Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

o: 732.363.0777
f: 732.905.6555

construction and operation of a temporary Wireless Communications Tower and appurtenance in accordance with the bid specifications .

SECTION 2. The Mayor and Borough Clerk are hereby authorized to execute the lease agreements with to New Cingular Wireless PCS, LLC as the Lead Bidder, to Cellco Partnership d/b/a Verizon Wireless as a Co-locator, and -Mobile Northeast, LLC as a Co-locator, , in a form acceptable to the Borough attorney, and any necessary related documentation, in order to facilitate the conveyance of the lease interest in a portion of Block 51.01, Lot 1.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the ___ day of _____, 2020, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the ___ day of _____, 2020, at 7:00 p.m. at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Patricia M. Applegate, RMC
Borough Clerk, Borough of Bay Head

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