

RESOLUTION # _____

A RESOLUTION AMENDING AND AUTHORIZING CONSENT TO A GROUND LEASE OF SPACE AT THE CELL TOWER LOCATED AT 5 LINDSEY DRIVE, ALSO KNOWN AS BLOCK 148.06 LOT 106, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NORTH BRUNSWICK

WHEREAS, the Township of North Brunswick entered into a ground lease agreement for the construction and operation of a wireless telecommunications monopole at 5 Lindsey Drive, North Brunswick, also known as Block 148.06 Lot 106 on the Official Tax Map of the Township of North Brunswick (“North Brunswick”) by agreement dated January 21, 2021 between the Township of North Brunswick and New Cingular Wireless PCS, LLC (“New Cingular”); and

WHEREAS, the ground lease agreement contemplated that New Cingular would collocate additional antennae on the subject property; and

WHEREAS, Section 16 “Subleasing” of the ground lease agreement provides that co-locators must enter into a separate ground lease agreement with the Township of North Brunswick for any base units, equipment shelters and/or cabinets associated with their communication equipment; and

WHEREAS, T-Mobile has entered into a sublease agreement with New Cingular Wireless PCS, LLC to co-locate on the tower; and

WHEREAS, on May 15, 2023, the governing body previously adopted Resolution 157-5.23, authorizing rent for the ground lease agreement and those terms have since been amended and revised; and

WHEREAS, T-Mobile and the Township of North Brunswick have agreed that the rent for the ground lease agreement for its equipment shelters and/or cabinet will be at the rate of \$41,400 per year payable in equal monthly installments of \$3,450; and

WHEREAS, the parties have agreed to enter into a site agreement for the ground lease for such equipment shelters and/or cabinets in substantially similar form to the site agreement attached hereto and made a part hereof subject to the review and approval of the Township attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of North Brunswick, County of Middlesex, State of New Jersey that it hereby consents to the sublease and collocation on the telecommunications tower located at 5 Lindsey Drive to T-Mobile by New Cingular Wireless PCS, LLC and hereby authorizes a ground lease agreement between T-Mobile and the Township of North Brunswick in substantially similar form to the Site Agreement attached hereto for an annual rental of \$41,400 per year payable in equal monthly installments of \$3,450 subject to the review and approval of the Township attorney as to the final terms of the Site Agreement.

TITLE

This Resolution shall be known and may be cited as the Resolution Authorizing an Amended Ground Lease for the Equipment Cabinet at the Lindsey Drive Cell Tower Facility between the Township of North Brunswick and T-Mobile.

Michael C. Hritz
Director of Community Development

Justine Progebin
Business Administrator

Ronald Gordon, Esq.
Township Attorney (Approved legal form)

RECORDED VOTE

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MEHTA				
MAYOR WOMACK				

CERTIFICATION

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on June 26, 2023.

Lisa Russo, Township Clerk