

CITY OF BRIGANTINE

RESOLUTION 2024-29___

RESOLUTION AWARDING A CONTRACT TO DISH WIRELESS, LLC FOR THE LEASE OF SPACE FOR THE CO-LOCATION ON THE TELECOMMUNICATIONS TOWER LOCATED AT BLOCK 3704, LOT 2 ON THE CITY OF BRIGANTINE TAX MAP AND AUTHORIZING THE ENTRY INTO AN AGREEMENT RELATED TO THE SAME

WHEREAS, the New Jersey Local Lands and Building Law, at N.J.S.A. 40A:12-14 allows a municipality to lease any real property not needed for public use to the highest bidder by open public bidding at auction or by submission of sealed bids; and

WHEREAS, the City Council of the City of Brigantine previously solicited bids in 2009 for the lease of property identified as Block 3704, Lot 2, located at 115 S. 38th Street, in the City of Brigantine (the “Property”) for the construction of a cellular communications tower thereon; and

WHEREAS, the City Council awarded a contract for the lease of the Property for the construction of the cellular communications tower to Tower Ventures; and

WHEREAS, pursuant to a Lease Agreement (“Lead Carrier Lease Agreement”) between the City of Brigantine and Tower Ventures, Tower Ventures constructed said telecommunications tower on the Property and additional carriers contacted the City regarding their interest in co-location on the tower; and

WHEREAS, in the Agreement between the City and Tower Ventures, the City retained the rights to authorize solicitation for bids for lease of the space on the telecommunications tower; and

WHEREAS, on May 1, 2023, the City received and publicly opened one bid from Dish Wireless, LLC for the lease of co-location space on the cellular telecommunications tower and facility pursuant to the terms of the Lead Carrier Lease Agreement; and

WHEREAS, Dish Wireless, LLC desires to lease from the City of Brigantine equipment and tower space on the telecommunications tower for the rental payments of \$38,208.00 annually increasing by three percent (3%) per annum (“Communications Site Lease Agreement”); and

WHEREAS, the City has reviewed the bid submitted by Dish Wireless, LLC and finds the proposed lease rates and terms contained in the bid to be acceptable; and

WHEREAS, the Mayor and City Council has determined it to be in the best interest of the City to award and enter into the Communications Site Lease Agreement with Dish Wireless, LLC for the installation and co-location of Dish’s telecommunication facilities upon the existing

communications tower on the Property, and authorize the Council to enter into the Agreement which sets forth the terms and conditions for same.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brigantine, County of Atlantic, State of New Jersey that:

1. The City Council is hereby authorized to enter into the Communications Site Lease Agreement by and between the City of Brigantine and Dish Wireless, LLC for the installation and co-location of Dish’s telecommunications facilities and related appurtenances upon the existing communications tower on the Property. The Agreement shall be filed in the Office of the City Clerk upon its final execution.
2. Dish Wireless, LLC is further authorize to increase the height of the tower from the existing 130’ to a maximum height of 160’ with the condition that Tower Ventures, LLC confirms the structural integrity of the tower and the extension and that an appropriate co-location agreement is executed between Tower Ventures, LLC and Dish Wireless, LLC, the same to also be filed with the City.
3. The Mayor and/or City Manager are hereby authorized and directed to execute the Communications Site Lease Agreement with Dish Wireless, LLC in substantially the form attached hereto upon final review of the same by the City Solicitor.

Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 7 day of January, 2024.

City of Brigantine

Lynn Sweeney, RMC
 Lynn Sweeney, RMC
 City Clerk

4895-1056-6816, v. 1

RECORD VOTE OF COUNCIL ON FINAL PASSAGE				
COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW ✦	✓			
LETTIERI	✓			
HANEY ✦ ✦	✓			
DeLUCRY			✓	

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT