

ORDINANCE 2011-08

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AMENDATORY GRANT TO JERSEY CENTRAL POWER AND LIGHT TO PERMIT THE INSTALLATION OF A CELLULAR ANTENNA ARRAY ON AN EXISTING UTILITY TOWER LOCATED ON MUNICIPAL PROPERTY ON RIVER ROAD AT BLOCK 63, LOT 21.01

WHEREAS, Jersey Central Power and Light (JCP&L), a wholly owned subsidiary of FirstEnergy Corp., has requested an amendment to its existing easement for utility purposes to permit the installation of a second cellular antenna array and related communications facilities on one of its power transmission towers (JC 170 CMT) by T-Mobile Northeast LLC, as sublessee, located on property owned by the Township on River Road, and known as Block 63, Lot 21.01; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Township has the authority to amend such easement and finds that such amendment will enhance the public safety and welfare by providing improved communications within the Township and surrounding communities; and

WHEREAS, the amendment of the easement will provide income to the Township as set forth in the proposed Amendatory Grant attached hereto;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the easement of JCP&L may be amended to include the installation of a cellular antenna array and related communications equipment within the easement of JCP&L on the Township property on River Road, Block 63, Lot 21.01, pursuant to the following terms and conditions:

1. JCP&L shall have the right to install a cellular antenna array and related communications equipment (the 'equipment') upon its tower #JC 170 CMT, and shall have the right to sublease same to T-Mobile Northeast, LLC.
2. This amendatory grant is only for a single user of the equipment.
3. The term of any sublease with any sublessee shall not exceed five years with five additional five year terms which shall automatically renew unless sublessee indicates its intention to terminate said sublease in writing not less than ninety (90) days prior to the expiration of the specific five year term.
4. Rent for the sublease to the Township shall be paid by JCP&L (either directly or through its sublessee) in the amount of \$675.31 per month and shall be increased

annually on the anniversary date by the amount of 3% per annum or by the amount of any increases in the consumer price index, but not less than 3% nor more than 5% in any year.

5. Grantee and sublessee shall obtain all other municipal, State and federal approvals necessary to install the equipment at their own cost and expense.
6. All other terms and conditions contained in the Amendatory Grant with exhibits attached hereto are made part hereof.

BE IT FURTHER ORDAINED that the Mayor and Township Clerk are authorized to execute such documents necessary to effectuate this ordinance and that this ordinance shall take effect as provided by law.

Introduced: April 14, 2011

Adopted: April 28, 2011

Attest:

Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM
COUNTY OF MORRIS
STATE OF NEW JERSEY

BY: _____
Nicole Hagner, Mayor

#413792