

**TOWNSHIP OF MONTAGUE
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2023-07

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX,
STATE OF NEW JERSEY GRANTING APC MUNICIPAL TOWERS LLC AN
EASEMENT UNDER THE TOWNSHIP'S LEASEHOLD
RIGHTS FOR THE WIRELESS TOWER SITUATED ON PROPERTY
LOCATED AT 277 CLOVE ROAD, MONTAGUE, NEW JERSEY**

WHEREAS, the Township of Montague ('Township') is the owner of certain lands located in the Township designated as Block 13, Lot 3.02 on the Official Tax Map of the Township of Montague ('Subject Lot'); and

WHEREAS, a portion of the Subject Lot encompasses a communications support structure ('Communications Tower'); and

WHEREAS, the Township issued Municipal Bid #01-2023, seeking a purchaser for the Township's leasehold rights for the Communications Tower by way of the sale of an easement that would permit the purchaser to "step into" the Township's rights as they stand under the current lease and encumbrances concerning the Communications Tower and the underlying portion of the Subject Lot encompassing same; and

WHEREAS, in connection with Municipal Bid #01-2023, on February 22, 2023, two (2) bids were received and opened as follows:

Diamond Communications, LLC

- BID PROPOSAL: \$850,000.00

APC Municipal Towers, LLC

- BID PROPOSAL: \$1,100,100.00; and

WHEREAS, the Township Committee of the Township of Montague ('Township Committee') on February 28, 2023, approved Resolution #2023-028, authorizing the sale of an easement to APC Municipal Towers, LLC ('APC'), pursuant to Bid #01-2023 and in accordance with all of the terms thereof ('Easement'); and

WHEREAS, APC, having completed its due diligence in connection with the sale of the Easement, has prepared and forwarded documents to the Township Attorney, effectuating same ('Easement Agreement'); and

WHEREAS, the Township Attorney has reviewed the Easement Agreement and finds it to be acceptable as to form and substance; and

WHEREAS, the Township is authorized pursuant to the Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq., to grant interests in real property, including easements, by ordinance; and

WHEREAS, approval by the Township of the Easement Agreement requires the granting by the Township of the above-referenced Easement; and

WHEREAS, the Township Committee finds it to be in the best interests of the Township and its citizenry to grant the Easement pursuant to Bid #01-2023 and the Easement Agreement, and in accordance with all of the terms thereof; and

WHEREAS, the Township Committee finds it to be in the best interest of the Township, accordingly, to approve the Easement Agreement.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, in the County of Sussex, and State of New Jersey, as follows:

1. The Township hereby grants to APC Municipal Towers, LLC an easement over Block 13, Lot 3.02 on the Official Tax Map of the Township of Montague in accordance with the specifications of the Township's Bid #01-2023 and the Easement Agreement, both incorporated here by reference and attached hereto.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Easement Agreement and to take any additional actions required to effectuate same.
3. A copy of the Township's Bid #01-2023 and the Easement Agreement shall be placed on file with the Municipal Clerk.

BE IT FURTHER ORDAINED that all Township ordinances, resolutions, regulations, or parts of ordinances, resolutions, and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

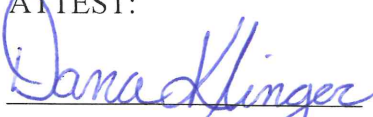
BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

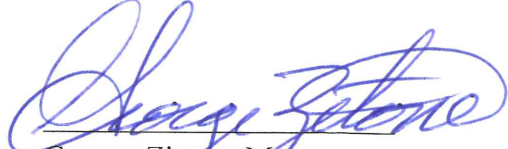
BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: May 09, 2023

Adopted: June 27, 2023

ATTEST:


Dana Klinger, RMC/CMR


George Zitone, Mayor

RECORD OF COMMITTEE VOTES – Ordinance 2023-07				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
RICHARD INNELLA	X			
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			