**RESOLUTION NO. 2018-11.9
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY supplementING RESOLUTION 2018-9.19 AND approving and AUTHORIZING AN AMENDMENT TO LEASE OF REAL PROPERTY FOR CONSTRUCTION AND OPERATION OF WIRELESS TELECOMMUNICATION TOWER OR MONOPOLE AND RELATED FACILITIES**

 **WHEREAS,** on September 18, 2018, the Borough Council of the Borough of Bloomingdale adopted Resolution 2018-9.19, entitled “Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey Approving and Authorizing a Land Lease for the Co-location on a Previously Awarded, Approved and Constructed Self-supporting Wireless Telecommunications Monopole and Ancillary Wireless Telephone Support Equipment”;

 **WHEREAS,** following adoption of Resolution 2018-9.19, it was discovered that same contained certain insubstantial information that required amendment as part of the contract, accordingly, Resolution 2018-9.19 is supplemented by the instant Resolution; and

 **WHEREAS,** on January 1, 2003 the Borough of Bloomingdale, along with the Borough of Butler (“Boroughs”), entered into an Agreement for Lease of Real Property for Construction and Operation of Wireless Telecommunication Tower or Monopole and Related Facilities (“Agreement”) with Sprint Spectrum, LP (“Sprint”) for a portion of the real property located at 23 Brandt Lane, Bloomingdale, New Jersey (“Premises”); and

 **WHEREAS,** the Boroughs were notified by letter dated December 14, 2017, that an Amendment to the Agreement was required; and

 **WHEREAS,** pursuant to authorization by the Mayor and Council of the Borough of Bloomingdale, the Borough received sealed competitive bids for a lease of real property for construction and operation of wireless telecommunication tower or monopole and related facilities; and

 **WHEREAS**, one sealed bid was received and opened on August 29, 2018, in accordance with the advertised date for acceptance of bids from SBA 2012 TC Assets, LLC; and

**WHEREAS,** said bid has been duly reviewed and analyzed by the Borough Attorney; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

 **WHEREAS,** the bid received from the sole bidder SBA 2012 TC Assets, LLC in the amount of $36,729.24 per year, commencing in the year 2028, has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey as follows:

1. The Borough of Bloomingdale hereby authorizes a lease amendment to SBA 2012 TC Assets, LLC, 8051 Congress Avenue, Boca Raton, Florida 33487 for the land lease for the co-location on a previously awarded, approved and constructed self-supporting wireless telecommunications monopole and ancillary wireless telephone support equipment in accordance with the bid specifications in the total amount of $36,729.24 per year, commencing in 2028.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a lease amendment with to SBA 2012 TC Assets, LLC in accordance with its bid for a lease of real property for construction and operation of wireless telecommunication tower or monopole and related facilities.

3. This resolution and lease amendment shall be available for public inspection in the office of the Borough Clerk.

4. This Resolution shall take effect immediately.

***Record of Council Vote on Passage***

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Council person | aye | nay | Abstain | Absent | Council person | aye | nay | Abstain | Absent |
| Costa | X |  |  |  | Hudson |  |  |  | X |
| D’Amato | X |  |  |  | Sondermeyer |  |  |  | X |
| Dellaripa | X |  |  |  | Yazdi | X |  |  |  |

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on November 1, 2018.

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Breeanna Calabro, R.M.C.

Municipal Clerk, Borough of Bloomingdale