

ORDINANCE O:31-2024

AN ORDINANCE OF THE TOWNSHIP OF MONROE AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT AND OTHER RELATED DOCUMENTS WITH OCTAGON TOWERS, LLC TO COMPLETE THE CLOSING OF THE EASEMENT ACQUISITION

WHEREAS, the Township of Monroe (the "Township") is the owner of a communication tower located on the premises of 301 Blue Bell Street, Monroe Township, NJ (the "Premises"); and

WHEREAS, Octagon Towers, LLC (the "Grantee") seeks to acquire an easement under and around the communication tower located on the Premises and all related AT&T assets and improvements, including interest in tenant leases and all other related property owned by the Township; and

WHEREAS, the Township shall retain the right to continue to occupy its existing space on the communication tower with the Township's existing equipment or replacement equipment for the duration of the life of the communication tower; and

WHEREAS, Octagon Towers, LLC seeks to pay the Township \$475,000.00 for the acquisition of the easement on the Premises as described herein; and

WHEREAS, the Township of Monroe previously authorized the Mayor to enter into a Letter of Intent with Octagon Towers, LLC regarding the acquisition of an easement within the Township through Resolution No. 101-2023 adopted on March 27, 2023; and

WHEREAS, following a due diligence period, it is the intention of the Township and Octagon Towers, LLC to enter into a definitive agreement containing all of the terms and conditions regarding the acquisition of the easement under and around the communications tower on the Premises by Octagon Towers, LLC; and

WHEREAS, the Township Council of the Township of Monroe has determined that it is in the best interest of the Township to authorize the execution of the Communications Facility Easement Agreement and Assignment of Tower-Related Ground Lease (the "Easement Agreement") and any other related documents to complete the closing of the easement acquisition.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe, County of Gloucester, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Easement Agreement, substantially in the form attached hereto, and any other documents necessary to complete the closing of the easement acquisition with Octagon Towers, LLC.
2. The Easement Agreement includes, but is not limited to, the following terms:
 - a. Grant of an easement in, on, under, and over the Premises as described in the Easement Agreement.

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- b. Grant of access and utility easements as described in the Easement Agreement.
 - c. Assignment of the Township's interest as landlord in the Tower-Related Ground Lease and all rental payments associated therewith.
 - d. Easement term of ninety-nine (99) years with specific conditions for termination and surrender.
 - e. Easement payments and other considerations as outlined in the Easement Agreement.
 - f. Provisions regarding use, insurance, defaults and remedies, taxes, environmental matters, and other relevant conditions.
3. The Township Administrator of the Township of Monroe, the Mayor, the Township Solicitor, the Clerk's Office, as well as any additional Township staff and/or personnel are all authorized to take any action necessary to implement the terms of the Easement Agreement and to ensure the proper recording of the Easement Agreement and any additional closing documentation related to this transaction.

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

TOWNSHIP OF MONROE

CNCL. PRES., CHELSEA VALCOURT

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 22nd day of May, 2024, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 26th day of June, 2024 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Fox				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Pres. Valcourt				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Fox				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Pres. Valcourt				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2024.

MAYOR GREGORY A. WOLFE