

**ORDINANCE 2021-10**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING A LEASE OF A PORTION OF BAY HEAD  
RECYCLING CENTER FOR THE DESIGN,  
PERMITTING, CONSTRUCTION AND MAINTENANCE  
OF A NEW, SELF SUPPORTING 150' TREE MONOPOLE  
AND RELATED FACILITIES**

**WHEREAS**, by **Resolution 2021-85**, the Borough awarded New Cingular Wireless PCS, LLC as the Lead Bidder and Cellco Partnership d/b/a Verizon Wireless as a Co-locator, one (5) year lease agreements with 4 additional five-year renewals for Lease of Real Property for the Design, Permitting, Construction and maintenance of a New, Self-Supporting 150' Tree Monopole and Related Facilities at Bay Head Borough Recycling Center; and

**WHEREAS**, the construction and operation of said tree monopole and appurtenance requires that the Borough convey lease interests in a portion of property at 288 Park Avenue known as Block 5 Lot 13 on the Tax Map of the Borough of Bay Head to New Cingular Wireless PCS, LLC as the Lead Bidder and Cellco Partnership d/b/a Verizon Wireless as a Co-locator; and

**WHEREAS**, N.J.S.A. 40A:12-14 requires that such conveyance be authorized by ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** The Borough Council hereby conveys to New Cingular Wireless PCS, LLC as the Lead Bidder and Cellco Partnership d/b/a Verizon Wireless as a Co-locator, lease interests in a portion of property at 228 Park Avenue known as Block 5 Lot 13 on the Tax Map of the Borough of Bay Head for Lease of Real Property for the Design, Permitting, Construction and Maintenance of a New, Self-Supporting 150' Tree Monopole and Related Facilities at Bay Head Borough Recycling Center in accordance with the bid specifications.

**SECTION 2.** The Mayor and Borough Clerk are hereby authorized to execute the lease agreements with to New Cingular Wireless PCS, LLC as the Lead Bidder and Cellco Partnership d/b/a Verizon Wireless as a Co-locator in a form acceptable to the Borough attorney, and any necessary related documentation, in order to facilitate the conveyance of the lease interest in a portion of Block 5, Lot 13.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

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jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

\_\_\_\_\_  
Patricia M. Applegate, Municipal Clerk

\_\_\_\_\_  
William W. Curtis, Mayor

Introduced on First Reading: May 3, 2021  
Introduced on Second Reading: June 7, 2021  
Approved on Second Reading: June 7, 2021

ATTEST:

APPROVED:

\_\_\_\_\_  
Patricia M. Applegate, Municipal Clerk

\_\_\_\_\_  
William W. Curtis, Mayor

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