

**COUNCIL OF THE BOROUGH OF PROSPECT PARK  
PASSAIC COUNTY, NEW JERSEY**

**RESOLUTION**

**RESOLUTION NO. 2022-99**

**TITLE: RESOLUTION AWARDING A CONTRACT TO DISH NETWORK, LLC FOR THE LEASE OF SPACE FOR THE CO-LOCATION ON THE TELECOMMUNICATIONS TOWER LOCATED AT BLOCK 22, LOT 11 ON THE BOROUGH OF PROSPECT PARK TAX MAP AND AUTHORIZING THE ENTRY INTO AN AGREEMENT RELATED TO THE SAME**

**WHEREAS**, the Local Lands and Buildings Law, at N.J.S.A. 40A:12-14 allows a municipality to lease any real property not needed for public use to the highest bidder by open public bidding at auction or by submission of sealed bids; and

**WHEREAS**, the Borough Council of the Borough of Prospect Park previously solicited bids for the lease of the property located at Block 22, Lot 11 of the Borough of Prospect Park's tax map and for the construction of a cellular communications facility thereon; and

**WHEREAS**, the Borough Council awarded a contract for the lease of the property located at Block 22, Lot 11 of the Borough of Prospect Park's tax map and for the construction of a cellular communications facility thereon to Ominpoint Facilities Network and Omnipoint Communications, Inc. hereinafter referred to as Omnipoint; and

**WHEREAS**, Omnipoint constructed said telecommunications tower and additional carriers contacted the Borough regarding their interest in co-location on the tower; and

**WHEREAS**, in the Agreement between the Borough and Omnipoint the Borough retained the rights to authorize solicitation for bids for lease of the space on the telecommunications tower; and

**WHEREAS**, the Borough solicited sealed bids for the lease of the co-location space and property located at Block 22, Lot 11 of the Borough of Prospect Park's tax map and for the co-location on the cellular telecommunications tower and facility thereon, since the property would best serve the public in that capacity; and

**WHEREAS**, on May 24, 2022, the Borough received and publicly opened one bid from Dish Wireless, LLC in the amount of an annual rental payment for \$40,800.00; and

**WHEREAS**, the Borough has reviewed the bid submitted by Dish Network, LLC and finds the proposed lease rates and terms contained in the bids to be acceptable to the Borough; and

**WHEREAS**, the Mayor and the Borough Council have determined it to be in the best interest of the Borough to award a contract to Dish Network, LLC and to authorize entering into a lease agreement and related contract with Dish Network, LLC pursuant to the bid specifications issued.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Prospect Park that, in accordance with N.J.S.A. 40A:12-1 et seq., the Local Land and Buildings Law, the bid of Dish Network, LLC, is hereby accepted and Dish Network, LLC is hereby awarded a contract in the amount of an annual base rent of \$40,800.00, subject to the additional terms and conditions contained in the bid specifications and Dish Network, LLC’s bid proposal for the lease of the co-location space and property located at Block 22, Lot 11 of the Borough of Prospect Park's tax map and for the co-location on the cellular telecommunications tower and facility thereon, and subject to a lease and a co-location agreement to be executed in forms substantially similar to those attached to the bid specifications; and

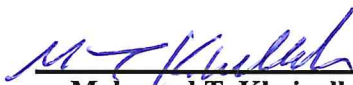
**BE IT FURTHER RESOLVED**, that the Borough of Prospect Park hereby authorizes the Borough Administrator and any other necessary Borough employees or officials to prepare all legal documents necessary to effectuate this Resolution, to be approved by the Borough Administrator Mayor; and


**BE IT FURTHER RESOLVED** by the Council that the Mayor and Borough Clerk are hereby authorized to execute Lease Agreement with Dish Network, LLC and any other documents, in a form consistent with the bid specifications and acceptable in form to the Borough Administrator and Mayor; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be filed with the Clerk of the Borough of Prospect Park.

I hereby certify that this resolution, consisting of 2 page(s), was adopted at a special meeting of the Borough Council of the Borough of Prospect Park, held this 8th day of June, 2022.

	Moved	Second	Ayes	Nays	Abstain	Absent
Shah	X		X			
Artis			X			
Hussain		X	X			
Matari			X			
Ortiz			X			
Perez			X			

  
**Mohamed T. Khairullah**  
 Mayor

  
**Beauty Nadim, CMR**  
 Acting Borough Clerk