

RESOLUTION # 20-498

ADDENDUM #1 FOR THE OPTION AND LICENSE AGREEMENT BETWEEN NEW CINGULAR WIRELESS PCS, LLC
AND THE CITY OF TRENTON, DEPARTMENT OF WATER AND SEWER
BID2019-67

THE AGREEMENT made this ____ day of JANUARY 2021, by and between the CITY OF TRENTON, a municipal corporation of the State of New Jersey, with principal offices located at **319 EAST STATE STREET, TRENTON, NEW JERSEY 08608** (hereinafter the "City") and **NEW CINGULAR WIRELESS PCS, LLC, (AT&T), 200 NORTH WARNER ROAD, KING OF PRUSSIA, PA 19406**.

WHEREAS, Resolution 19-599 awarded a contract on November 14, 2019, to New Cingular Wireless PCS, LLC, (AT&T), 200 North Warner Road, King of Prussia, PA 19406 to Lease Space for Construction of a Monopole Antenna on the East Lagoon Property, with payment to the City of Trenton in an amount not to exceed \$156,121.20; and

WHEREAS, Resolution No. #20-498 dated September 3, 2020 authorized Addendum No. #1 to the Contract, entitling New Cingular Wireless PCS, LLC (AT&T) to up to two (2) one hundred and eighty (180) day extensions of the option period in order to complete its inspections and approvals due to the COVID-19 pandemic;

NOW THEREFORE, the parties mutually agree as follows:

1. New Cingular Wireless PCS, LLC shall be entitled to up to two (2) one hundred and eighty (180) day extensions of the Option Period. The changes will not alter the contract in such a manner as to nullify the effect of the competitive determination of lowest responsible bidder which was made at the time of the contract award; and
2. The Mayor executes this Addendum No. #1 with New Cingular Wireless PCS, LLC (AT&T), for said purposes in the manner prescribed by law. New Cingular Wireless PCS, LLC (AT&T) shall pay the City a non-refundable \$4,000.00 option payment for each extension.

IN WITNESS WHEREOF, the parties have hereunto set their bands and seals the day and year first above written.

[SIGNATURE PAGE FOLLOWS]

ATTEST:


MATTHEW H. CONLON, RMC

MUNICIPAL CLERK

CITY OF TRENTON


HONORABLE W. REED GUSCIORA, ESQ.

Witness:

01/22/2021

DATE

New Cingular Wireless PCS, LLC, a Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager

By: CJ Gehlhaus
Name: Christopher J. Gehlhaus
Title: Sr. Real Estate & Construction Manager
Date: 1/13/2021

RESOLUTION

No. 20-498

SEP 03 2020

Approved as to Form and Legality

Date of Adoption

Factually content certified by

CITY ATTORNEY

Councilman/woman

Mark Lavenberg
Acting Director of Water and Sewer

presents the following Resolution:

ADDENDUM NO. 1 TO "OPTION AND LICENSE AGREEMENT" BETWEEN "LICENSOR" CITY OF TRENTON SEWER UTILITY AND "LICENSEE" NEW CINGULAR WIRELESS PCS, LLC

WHEREAS, Licensor and Licensee are parties to a certain February 7, 2020 Option and License Agreement (the "Agreement"), pursuant to which Licensee proposes to develop wireless telecommunications facilities on a portion of the property owned by Licensor at 1502-1508 Lambert Street, Trenton, New Jersey; and

WHEREAS, the Agreement provides in part that Licensee may conduct such tests and inspections as Licensee deems reasonably necessary to determine the suitability of the site for the proposed development, within the 180-day period commencing on the date of the Agreement (the "Option Period"); and

WHEREAS, on March 9, 2020, the New Jersey Governor issued Executive Order No. 103, which declared a Public Health Emergency and State of Emergency throughout the State, as a result of the COVID-19 coronavirus pandemic; and extended those emergency Declarations through Executive Order No. 119 on April 7, 2020, Executive Order No. 138 on May 6, 2020, Executive Order No. 151 on June 4, 2020 and Executive Order No. 162 on July 2, 2020; and

WHEREAS, in response to the pandemic and the Governor's Executive Orders and Directives, many businesses and government offices have been shut down for periods of time, and many have operated and continue to operate with significantly-reduced staffing and hours; and

WHEREAS, as a result, Licensee has been greatly slowed or prevented from conducting the necessary site inspections, and from obtaining necessary governmental reviews and approvals, within the Option Period; and

WHEREAS, Licensee has requested an extension of the Option Period in order to complete its inspections and approvals, and Licensor is willing to grant the requested extension on the same terms applicable to the initial Option Period.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Trenton, in consideration of the foregoing recitals and the mutual promises set forth herein, the Parties agree as follows:

1. Licensor shall be entitled to up to two 180-day extensions of the Option Period. Licensee shall request each extension in writing prior to the expiration of the then-current Option Period, and shall pay Licensor a non-refundable \$4,000 Option Payment for each extension.
2. All other terms and provisions of the Agreement remain in full force and effect, except to the extent modified by this Addendum No. 1.

	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
BLAKELEY	✓				MUSCHIAL	✓				MCBRIDE	✓			
CALDWELL WILSON	✓				RODRIGUEZ	✓								
HARRISON	✓				VAUGHN	✓								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on

SEP 03 2020

President of Council

City Clerk

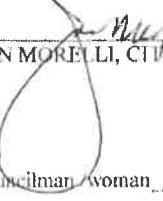
RESOLUTION

19-599

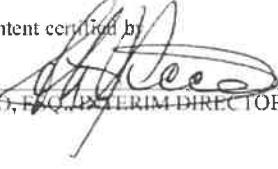
No.

Date of Adoption NOV 14 2019

Approved as to Form and Legality


JOHN MORELLI, CITY ATTORNEY

Factual content certified by


STEVEN PICCO, EX-OP. PATERIM DIRECTOR, WATER&SEWER

Councilman/woman

presents the following Resolution:

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC (AT&T), 200 NORTH WARNER ROAD, KING OF PRUSSIA, PA 19406 FOR LEASE SPACE FOR CONSTRUCTION OF A MONOPOLE ANTENNA ON THE EAST LAGOON PROPERTY, BIDDER WILL PAY THE CITY OF TRENTON \$156,121.20 BID2019-67

WHEREAS, two (2) sealed bids were received on October 9, 2019, for Lease Space for Construction of a Monopole Antenna on the East Lagoon Property for a period of five (5) years with additional five (5) years renewals if both parties agree to the terms of the renewal for the City of Trenton, Department of Water and Sewer; and

WHEREAS, the low bidder, New Cingular Wireless PCS, LLC (AT&T), 200 North Warner Road, King of Prussia, PA 19406 made pursuant to advertisement, be and is hereby accepted, as the responsive, responsible bidder complying with terms and specifications on file in the Division of Purchasing; and

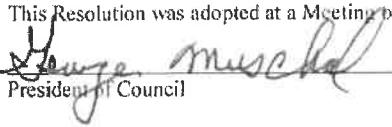
WHEREAS, New Cingular Wireless PCS, LLC (AT&T) will pay the City of Trenton \$30,000.00 for the first (1) year. There shall be an annual increase in rent of two percent (2%) for each year of the initial term which is a five (5) year term and any subsequent renewal terms if both parties agree to the terms of renewal. New Cingular Wireless PCS, LLC (AT&T) has an option to renew for two (2) additional consecutive five (5) year terms; under the same terms and conditions as the original lease.

NOW, THEREFORE, IT IS RESOLVED, by the City Council of the City of Trenton that the Mayor is hereby authorized to execute a contract with New Cingular Wireless PCS, LLC (AT&T), 200 North Warner Road, King of Prussia, PA 19406 for Lease Space for Construction of a Monopole Antenna on the East Lagoon Property for a period of five (5) years with additional five (5) years renewals if both parties agree to the terms of the renewal for the City of Trenton, Department of Water and Sewer for the said purposes in the manner prescribed by law.

	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
BLAKELEY	✓				MUSCHAL	✓				MCBRIDE				✓
CALDWELL WILSON				✓	RODRIGUEZ		✓							
HARRISON	✓				VAUGHN	✓								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on

NOV 14 2019


President of Council


City Clerk