

ORDINANCE

O-17-2023

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

AN ORDINANCE AUTHORIZING THE BOROUGH OF NORTH CALDWELL TO EXECUTE A GROUND LEASE FOR THAT CERTAIN PROPERTY LOCATED ON BLOCK 204 LOT 1 IN THE BOROUGH OF NORTH CALDWELL

WHEREAS, the Borough of North Caldwell (the "Borough") is the owner of certain real property known as Block 204, Lot 1, in the Borough of North Caldwell, County of Essex (the "Property"); and

WHEREAS, T-Mobile Northeast, LLC ("Lessee") desires to lease 140 sq. ft. of ground space of the Property in order to construct and install Lessee's ground equipment; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to enter into a Ground Lease with Lessee; and

WHEREAS the Borough Council is authorized to lease the Property as set forth in N.J.S.A. 40A:12-14 et seq. and/or by any other provision of applicable law to proceed with the Lease; and

WHEREAS the Borough Council desires to execute the Lease in a manner substantially the same as attached hereto as **Exhibit "A"**; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Governing Body of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

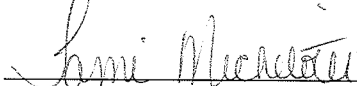
1. The Mayor is and be hereby authorized to execute the Ground Lease in a manner substantially the same as attached hereto as **Exhibit "A"**.
2. The Mayor is and be hereby authorized to execute any other documents required to affect the Lease, including but not limited to that certain Memorandum of Lease referenced on paragraph 25 of the Ground Lease.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
4. That if any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.
5. That this Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: July 18, 2023
Public Hearing: August 15, 2023
Adopted: August 15, 2023

Moved By: Council President Floria-Callori
Seconded By: Councilman Weinstein

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ATLAS	X				REES		X		
FLORIA-CALLORI	X				TILTON	X			
KESSLER	X				WEINSTEIN	X			

ATTESTED:


TAMI MICHELOTTI, BOROUGH CLERK

APPROVED:


JOSHUA H. RAYMOND, MAYOR