

RESOLUTION 20-09 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND NEW CINGULAR WIRELESS PCS, LLC AT THE CAPE MAY AIRPORT

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Cape May Airport (“Airport”), Cape May, New Jersey; and

WHEREAS, New Cingular Wireless PCS, LLC (“New Cingular”) desires to lease approximately 3,600 square feet of land at the Cape May Airport in order to construct a cellular tower as part of a nationwide first responders network; and

WHEREAS, New Cingular shall have a due diligence period for one year (1) in order to conduct relevant testing and inspections along with the acquisition of any required permits, licenses and approvals; and

WHEREAS, New Cingular has agreed to pay the Authority One Thousand Dollars 00/100 (\$1,000.00) for this period; and

WHEREAS, during the due diligence period New Cingular shall have the right to terminate the agreement for any reason; and

WHEREAS, if New Cingular has received its permits, licenses and approvals and has otherwise not terminated before the end of the due diligence period, the term of the Lease Agreement (“Agreement”) shall run for an initial period of five (5) years; and

WHEREAS, rent shall start at Twenty-Five Thousand Two Hundred 00/100 Dollars (\$25,200.00) annually; and

WHEREAS, rent shall increase annually during the initial term and any renewal term by two (2) percent; and

WHEREAS, New Cingular shall have the option of renewing this Lease Agreement for four (4) additional five (5) year terms; and

WHEREAS, rent shall adjust at the beginning of each renewal term to the then Fair Market Value (FMV); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with New Cingular Wireless PCS, LLC and, with the consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 19-23 is hereby rescinded.

Resolution 20-09 - Executive Summary

Resolution: Authorizing the Execution of the Lease Agreement between the Delaware River and Bay Authority and New Cingular Wireless PCS, LLC at the Cape May Airport.

Committee: Economic Development

Committee Date: April 21, 2020

Board Date: April 21, 2020

Purpose of Resolution:

To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for space at the Cape May Airport.

Background for Resolution:

The Delaware River and Bay Authority operates the Cape May Airport. New Cingular Wireless PCS, LLC is installing cell towers for ATT Wireless to be part of the National First Net emergency responder's network. They are planning on constructing a tower on a 60' x 60' parcel in the airport industrial park. The annual rent is based upon an evaluation of other cell tower transactions that have been done through our NJ counsel office and with our Real Estate brokerage.