

**RESOLUTION 24-38 - AUTHORIZES AN UTILITY EASEMENT AND A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AT & T ENTERPRISES, LLC. AND ITS AFFILIATES AT THE DELAWARE MEMORIAL BRIDGE**

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Delaware Memorial Bridge (the “Bridge”), New Castle, Delaware; and

WHEREAS, AT & T Enterprises, LLC. and its affiliates (“AT & T”) currently has fiber on the bridge through an easement that has expired. AT & T would like to continue to access the bridge through a new Easement Agreement (“Easement”) for their exiting fiber line; and

WHEREAS, AT & T would also like to enter into a Lease Agreement (“Lease”) to lease space in underground conduit owned by the Authority that will extend the fiber line on the bridge to Route 130 in NJ and Route 9 in DE; and

WHEREAS, AT & T has agreed to pay the Authority annual rental for the easement of Twelve Dollars and 78/00 (\$12.78) per linear foot on the bridge; and

WHEREAS, AT & T has agreed to pay the Authority annual rental for Lease of One Dollar and 30/100 (\$1.30) per linear foot of conduit usage; and

WHEREAS, rent for both the easement and the lease agreement shall increase annually by two percent (2%); and

WHEREAS, the initial term of the Easement and Lease shall be for thirty (30) years; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Easement and Lease Agreements with AT & T Enterprises, LLC. and its affiliates and, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 22-27 is hereby rescinded.

## **Resolution 24-38 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease and Easement Agreement between the Delaware River and Bay Authority and AT & T Enterprises, LLC. and its affiliates regarding the Delaware Memorial Bridge.

**Committee:** Economic Development

**Committee Date:** September 17, 2024

**Board Date:** September 17, 2024

**Purpose of Resolution:** To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease and easement agreement for space at the Delaware Memorial Bridge.

**Background for Resolution:**

AT & T Enterprises, LLC. and its affiliates is upgrading and improving its communication network in the area. They currently have conduit installed and owned by ATT on the bridge. The easement agreement has expired, and they would like to renew that agreement as well as enter into a new lease agreement to extend the fiber line to Routes 130 and 9. The rates are based upon appraisals and FMV comparable.