

A RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY USE AGREEMENT BETWEEN THE TOWNSHIP OF NORTH BRUNSWICK AND LIGHT TOWER FIBER NETWORKS LLC TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF FIBER OPTIC NETWORK TELECOMMUNICATIONS FACILITIES WITHIN THE MUNICIPAL RIGHT OF WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES

WHEREAS, Light Tower Fiber Networks LLC ("User") is a public utility as defined by N.J.S.A. 48:2-13 and, is authorized by the Board of Public Utilities to provide telecommunications service in the State of New Jersey; and

WHEREAS, the User has approached the Township of North Brunswick with a proposal to occupy public rights-of-way within the Township of North Brunswick for a term of ten (10) years from the date of execution of the Right-of-Way Use Agreement, unless such Right-of-Way Use Agreement is terminated by either party in accordance with the provisions therein, with two (2) successive renewal periods of five (5) years each, for the purpose of constructing, installing, operating, repairing, maintaining and replacing fiber optic cables for a telecommunications system (the "Fiber Optic System"), pursuant to the terms and conditions of a Right-of-Way Use Agreement; and

WHEREAS, N.J.S.A. 48:17-10 through 48:17-12 authorizes the Township to grant approval to the User to install, operate and maintain the Fiber Optic System in the thoroughfares and public rights-of-way within the Township for purposes of providing telecommunications services; and

WHEREAS, the granting of such consent is and shall be conditioned upon User's continued compliance with all existing and future ordinances of the Township and User's entering into a written Right-of-Way Use Agreement with the Township to, inter alia, indemnify and hold the Township harmless as to all claims and liability resulting from any injury or damage and related costs thereto, which may arise from User's activities contemplated in such Right of Way Use Agreement and to provide liability insurance coverage for personal injury and property damage in connection therewith; and

WHEREAS, the installation of such Fiber Optic System would provide a public benefit to the citizens of the Township of North Brunswick, County of Middlesex, State of New Jersey; and

WHEREAS, the Township Council of the Township of North Brunswick has indicated its willingness to grant a Right-of-Way Use Agreement to the User for the purpose of constructing, installing, operating, repairing, maintaining and replacing a Fiber Optic System within the municipal right-of-way within the Township of North Brunswick for a term of ten (10) years from the date of execution of the Right-of-Way Use Agreement, unless such Right-of-Way Use Agreement is terminated by either party in accordance with the provisions therein, with two (2) successive renewal periods of five (5) years each.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a Right-of-Way Use Agreement with Light Tower Fiber Networks LLC, in a form substantially similar to the Agreement attached hereto and made a part hereof, for the construction, installation, operation and maintenance of fiber optic cables for a telecommunications system within the Township of North Brunswick's municipal right-of-way pursuant to the terms and conditions of the attached Right of Way Use Agreement for a term of ten (10) years from the date of execution of the Right-of-Way Use Agreement, unless such Right-of-Way Use Agreement is terminated by either party in accordance with the provisions therein, with two (2) successive renewal periods of five (5) years each.