

**NOTICE OF PUBLIC AUCTION FOR COLLOCATION LEASE OF
WATER TOWER SITE FOR A WIRELESS COMMUNICATIONS
FACILITY**

PUBLIC NOTICE IS HEREBY GIVEN that pursuant to N.J.S.A. 40A:12-14, the Borough of Ship Bottom (“Borough”) shall accept bids for the lease of space unneeded for public use for the installation and collocation of a wireless communications facility on a certain water tower and related property space at a certain property owned by the Borough located at 106 West 17th Street in the Borough (“Property”). The live public auction shall be held at the Municipal Courtroom in the Borough Municipal Building located at 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008 on July, 11, 2018, at the hour of 11:00 a.m., at which time and place certain portions of the Property shall be offered for lease in accordance with and pursuant to the terms of the Instructions and Specifications and Agreement, which set forth the mandatory lease terms, and are available for inspection at the Office of the Clerk for the Borough of Ship Bottom located at the Municipal Building or online at www.shipbottom.org.

The minimum acceptable bid, as set forth in Resolution 2018-77, shall be not less Forty-Thousand Dollars (\$40,000.00) *per annum*, plus the additional payments and consideration set forth in and required by the Agreement, for certain portions of the Property.

Payment of the bid price shall occur in accordance with the requirements set forth in the Agreement.

At the conclusion of the auction, the successful bidder(s) shall execute the Agreement(s) with the Borough, which, as stated, a copy of which may be obtained upon request from the Office of the Clerk for the Borough.

KATHLEEN WELLS, RMC
MUNICIPAL CLERK

INSTRUCTIONS AND SPECIFICATIONS

FIVE-YEAR LEASE WITH FOUR FIVE-YEAR OPTIONS TO RENEW OF SPACE LOCATED AT THE WATER TANK SITE FOR THE INSTALLATION, COLLOCATION, AND USE OF THE SPACE FOR A COMMUNICATIONS FACILITY, INCLUDING THE OPERATION OF WIRELESS ANTENNAS AND EQUIPMENT

1. **Location of Property** – One space located at the certain premises owned by the Borough of Ship Bottom (“Borough”) located at 106 West 17th Street in the Borough, County of Ocean, State of New Jersey (“Property”).
2. **Use of Property** – As set forth in and governed by the attached Agreement, the Borough is seeking to lease a non-exclusive interest in the water tower, certain land space, and right to ingress and egress located at the Property for the purposes of the installation and use of a wireless communications facility. All conditions and requirements relating to the lease are set forth and governed by the attached Agreement.
4. **Rent and Payments** – The successful bidder shall agree to pay to the Borough rent on a monthly basis in equal installments due on the first day of each calendar month. The successful bidder shall also pay any real estate taxes resulting from property improvements made by the successful bidder and any and all other payments set forth and required by the attached Agreement, including, but not limited to, the additional payment of \$15,000.00 and the reimbursement of professional fees during the term of the Agreement. The minimum bid that shall be accepted for the annual rent is forty-thousand dollars (\$40,000.00). In addition, the additional consideration and payment requirements are set forth in the attached Agreement.
5. **Utilities** – As set forth in and governed by the attached Agreement, the successful bidder shall be responsible for any and all costs relating to and/or arising out of the installation and use of utilities relating to the bidder’s use of the Property.
6. **Submissions Prior to the Auction** – Prior to or at the time of the live auction, the bidder shall complete, execute, and provide the following documents, each of which is attached hereto.
 - A. Non-Collusion Affidavit.
 - B. Statement of Corporate Ownership.
7. **Power of Attorney** – Prior to or at the time of the live auction, the bidder shall provide the Borough with an executed Power of Attorney that establishes that the person present on its behalf has the authority to bind the bidder to the terms of the bid and Agreement.
8. **Live Auction** – The live public auction at the location and time specified shall be conducted by the Borough’s attorney or a designated representative, who shall preside over the auction. Each bidder shall be required to have an authorized representative present who has the authority to bind the bidder to the terms of the Agreement. Each authorized representative shall sign the list of participants and set forth who she/he

represents, set forth the business that she/he represents, and provide her/his contact information. The bids shall continue until the Borough's attorney or a designated representative advises that all bids are closed after he/she states "going once, going twice," and if no response at that juncture, "I will close the bidding."

- 9. Rejection of Bids** – The Borough reserves the right to reject any and all bids submitted at the live auction.

- 10. Award and Successful Bidder** – The Borough shall award to the highest bidder for the space. In the event of a tie bid, the tie shall be resolved by the flip of a coin by the Borough's attorney or a designated representative in the event there are two tie bidders, and by drawing the short straw in the event that there are more than two tied bidders. Upon the award, an authorized representative of the successful bidder shall execute the Agreement at the conclusion of the auction. In the event that a highest bidder cannot or do not execute the Agreement at that time or does not have an authorized representative present to execute the Agreement, the Borough reserves the right to award the Agreement to the next highest bidder or extend the period of time to execute the Agreement.