

R17-55
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE
COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING VERIZON
WIRELESS TO USE POLES ERECTED WITHIN THE PUBLIC RIGHT OF WAY

No. 20

Date of Adoption March 27, 2017

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Merchantville; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Merchantville, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Merchantville.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Merchantville, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts

or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Merchantville.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Merchantville as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Merchantville nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Merchantville by the Borough Council of the Borough of Merchantville and attested to by Borough of Merchantville Clerk who shall affix the Borough of Merchantville Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Merchantville by parties that have the lawful right to maintain such poles.

APPROVED:

ATTEST:

Edward F. Brennan
MAYOR

Denise Brouse
BOROUGH CLERK

BOROUGH OF MERCHANTVILLE

I, Denise Brouse, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing resolution to be a true copy of a resolution adopted by the governing body at a meeting held on March 27, 2017. Witness my hand and seal of the Borough of Merchantville this 27th day of March, 2017.

Denise Brouse, Borough Clerk