

MANSFIELD TOWNSHIP  
BURLINGTON COUTY  
**RESOLUTION 2016-12-16**

**A RESOLUTION OF THE TOWNSHIP OF MANSFIELD GRANTING VERIZON  
WIRELESS USE OF POLES WITHIN THE PUBLIC RIGHT-OF-WAY IN THE  
TOWNSHIP**

**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 Township of Mansfield; 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 TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, 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 Township of Mansfield, 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 Township of Mansfield.
  - 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 Township of Mansfield, 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 Township of Mansfield.
  - 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 Township of Mansfield 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 Township of Mansfield 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 Township of Mansfield by the Township Committee of the Township of Mansfield and attested to by Township of Mansfield Clerk who shall affix the Township of Mansfield 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.
- I. Cellco Partnership shall post engineering inspection escrow in the amount of \$10,000 for the inspection of corrective measures for damages that may occur as stated in E. above.

### **STATEMENT**

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

### **CERTIFICATION**

I, **LINDA SEMUS, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their Regular Meeting held on December 28, 2016 at the Mansfield Township Complex at 7:30 PM.

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**LINDA SEMUS, RMC, CMR, Municipal Clerk**