

## **RESOLUTION 2022-98**

### **A RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT FOR SAME**

**WHEREAS**, Cross River Fiber LLC ("Cross River Fiber"), seeks to place telecommunication facilities aerially on utility poles or in an underground conduit in the Public Rights-of-Way within the Township of Florence for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

**WHEREAS**, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

**WHEREAS**, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Township of Florence ("Township") for the joint use of any existing utility poles and Cross River Fiber has made application for same; and

**WHEREAS**, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

**WHEREAS**, it is in the best interests of the Township of Florence and its citizens to grant consent to Cross River Fiber; and

**WHEREAS**, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber, a copy of said Agreement being attached hereto as Exhibit A.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Florence, County Burlington and State of New Jersey that the Township hereby grants the application of Cross River Fiber for a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute the Agreement for same attached hereto and made a part hereof as Exhibit A, together with such other documents reasonably necessary to effectuate the purpose and intent of this Resolution; and

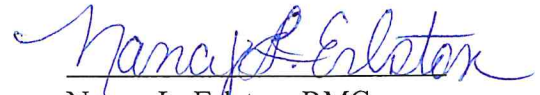
**BE IT FURTHER RESOLVED** that the consent herein is conditioned upon the payment of One Thousand Dollars (\$1000.00) by Cross River Fiber to reimburse the Township for its administrative costs of review and approval of the Right of Way Use Agreement and this Resolution.

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

**I, NANCY L. ERLSTON**, Clerk of the Township of Florence, County of Burlington, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Resolution approved by Township Council at their May 4, 2022 meeting.

  
Nancy L. Erlston, RMC  
Township Clerk

*Note: This resolution approves a Right-of-Way Use Agreement conditioned upon payment of a \$1,000.00 reimbursement for Administrative Review.*