

RESOLUTION AUTHORIZING EXECUTION OF RIGHTS-
OF-WAY AGREEMENT BY AND BETWEEN THE
TOWN OF PHILLIPSBURG (“MUNICIPALITY”) AND
COMCAST BUSINESS COMMUNICATIONS, LLC, TO PERMIT THE INSTALLATION,
USE AND MAINTENANCE OF TELECOMMUNICATIONS
FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY
FOR PURPOSES OF PROVIDING
TELECOMMUNICATIONS SERVICES

WHEREAS, Comcast Business Communications, LLC (“CBC”), a local exchange and interexchange telecommunications services provider, with offices located at 1701 JFK Boulevard, Philadelphia 19103, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order dated February 15, 2001, issued by the New Jersey Board of Public Utilities (“NJBP”) in Docket No. TE00100789; and

WHEREAS, CBC has requested the consent of the Municipality to occupy public rights-of-way within the Municipality for the purpose of constructing, installing, operating, repairing, maintaining, or replacing a telecommunications system; and

WHEREAS, it is deemed to be in the best interest of the Municipality and its citizenry, particularly including the commercial and industrial citizens, for the Municipality to grant municipal consent to CBC to occupy the public rights-of-way within the Municipality for this purpose; and

WHEREAS, the granting of such consent is and shall be conditional upon CBC’s compliance with all existing and future applicable ordinances of the Municipality and its entering into a written agreement with the Municipality to, *inter alia*, indemnify and hold the Municipality harmless as to all claims and liability resulting from any injury or damage caused by CBC which may arise from the construction, installation, operation, repair, maintenance, disconnection,

replacement and removal of its telecommunications system within certain public rights-of-way and its provision of liability insurance coverage for personal injury and property damage;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF PHILLIPSBURG:

1. That non-exclusive consent is hereby granted to CBC to occupy the public rights-of-way within the Municipality for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years;
2. That the within granted permission is conditioned upon CBC entering into the attached Rights-of-Way Use Agreement with the Municipality and providing liability and property damage insurance coverage;
3. That the Mayor and Municipal Clerk are hereby authorized to execute the attached Rights-of-Way Use Agreement; and
4. That a copy of this Resolution and the executed Rights-of-Way Use Agreement shall be filed in the Office of the Municipal Clerk.

Dated: _____

I, _____, Municipal Clerk of the _____, do hereby certify that the above is a true copy of a Resolution adopted by the governing body of the Town of Phillipsburg at a meeting held on _____.

Municipal Clerk