

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW HARTFORD
AUTHORIZING THE LEASE OF REAL PROPERTY LOCATED OFF OF NEW PARIS
ROAD (ROUTE 12) AND ISSUING A NEGATIVE DECLARATION PURSUANT TO THE
NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)**

WHEREAS, the Town was presented with an offer from Homeland Towers, LLC (“Lessee”) to enter into an Option and Ground Lease Agreement for a portion of the real property located off of New Paris Road (Route 12), in the Town of New Hartford, designated as APN Tax I.D. Number 338.000-3-4 (the “Property”), for the placement of equipment, building(s) and a tower for the purpose of constructing, establishing and maintaining a “cellular” transmission tower facility for Lessee’s use and that of its subtenants, licensees and customers; and

WHEREAS, the Town Board has determined to lease the Property for adequate consideration of no less than fair market value without the services of a real estate broker; and

WHEREAS, in exchange for granting Lessee a 12 month option to lease the Property, Lessee shall pay the Town and option fee equal to \$100.00; and

WHEREAS, Lessee shall have the right to extend the option for two (2) additional twelve (12) month periods by providing the Town with written notice of its intent to extend the option, which notice will be accompanied by an additional option fee payment of \$100.00; and

WHEREAS, the base rent for the Property shall be \$1,400.00 per month or twenty percent (20%) of the gross income derived by Lessee from its subtenants, licensees and customers using the telecommunications facility, whichever is greater, for an initial term of 10 years; and

WHEREAS, the Town Board believes that the lease of the real property is in the public interest of the residents of the Town, particularly since the end result will be more efficient cellular telephone communications within the Town; and

WHEREAS, the Town Board preliminary classifies this action as an unlisted action under SEQRA, and determines that it will act as the Lead Agency with respect to

the environmental review of the proposed lease of the Property in accordance with SEQRA and Part 617 of the regulations implementing SEQRA; and

WHEREAS, the execution of the Option and Ground Lease Agreement for the Property is subject to: (1) a permissive referendum pursuant to Section 64, Subdivision 2 of the New York State Town Law; (2) the issuance of a negative declaration pursuant to SEQRA; and (3) the review and approval of the Option and Ground Lease Agreement as to form and content by the Attorney for the Town; and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form (“EAF”) prepared for this action;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of New Hartford hereby determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQRA and that the Town Board shall act as Lead Agency for the required environmental review; and it is further

RESOLVED, that the Town Board determines that the Option and Ground Lease Agreement and the construction and operation of the communications tower and related facilities will have no significant adverse impacts on the environment, and hereby issues a negative declaration for the proposed Project and authorizes the Supervisor of the Town of New Hartford to execute Pages 3 and 4 of the EAF; and it is further

RESOLVED, that pursuant to the provisions of Section 64, Subdivision 2 of the Town Law of the State of New York, the Town Board does adopt this Resolution agreeing to enter into an Option and Ground Lease Agreement for the Property for not less than its fair market value; and it is further

RESOLVED, that this Resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law within ten (10) days; and it is further

RESOLVED, that upon the expiration of the permissive referendum period, the Town Supervisor is authorized to execute all documents required to complete the

Option and Ground Lease Agreement subject to the review and approval of the Town Attorney for the Town as to form and content.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF NEW HARTFORD, NEW YORK

Gail Wolanin Young, Town Clerk

Date: _____