

Questions and Answers pertaining to the RFP for Sale of the Cell Tower Easement

Question 1: On Page 3, it states Tower Ventures/Omnipoint is paying Mine Hill \$41,115 per year with a 3% escalator that is effective on October 2023. However, on page 4, the rent roll it says the rent is \$42,360.00?

Answer 1: Under the rent roll the corrected amount should reflect \$41,115 per year for Tower Ventures/Omnipoint.

Question 2: On Page 3, it states that AT&T is paying Mine Hill \$42,360 per year with a 3% escalator that is effective on August 2023. However, on page 4, the rent roll states that AT&T is paying \$45,626.00/year.

Answer 2: Under the rent roll the corrected amount should reflect \$42,360 per year for AT&T.

Question 3: When was the last structural analysis done on the tower?

Answer 3: The Township does not have this information.

Question 4: Can the tower support DISH installation without any modifications?

Answer 4: The Township does not have this information.

Question 5: Can the Township confirm that T-Mobile is on the tower? Is T-Mobile paying any ground rent to the township?

Answer 5: To the best of the Township's knowledge, T-Mobile is on the tower. The original lease was with Omnipoint. There is an open permit request for T-Mobile date 5/9/22.

Question 6: Does the Township know what carrier tenant rents are being on the tower itself, what is Tower Ventures currently receiving from each tenant to be on the tower?

Answer 6: The Township does not know what each carrier tenant is paying to Tower Ventures other than for the DISH lease.

Question 7: The Township is asking for a closing within 30 days, but also asking for the right to hold proposals open for 60 days, given the holiday season and potential scheduling constraints, closing within 30 days seems to be aggressive and 60 days is a more reasonable target. Will bidders be at a disadvantage for asking for 60 days to close, as this might constrain the number of potential bidders and amounts that bidders are willing to pay?

Answer 7: Yes, bidders will be at a disadvantage if they are unable to demonstrate their ability to close by December 31, 2022. The Township strongly prefers to have the income shown in this calendar year. Per the RFP, a title report and survey will be provided to the bidder to expedite closing.

Question 8: Does the Township have insight into the typical monthly operating expenses for the tower?

Answer 8: The Township does not have insight into the typical monthly operating expenses for the tower.

Question 9: Under Section II "Current Leases" of the RFP, can the Township please confirm whether the annual rental amounts from Tower Ventures, AT&T and Verizon under Sections II. A and II. B should be used or the amounts in the Section II. C "Collective Lease Revenue" table? The amounts do not match.

Answer 9: Please see the updated RFP on the website.

Question 10: Could you supply copies of all the leases pertaining to the tower and ground space areas?

Answer 10: The leases have previously been provided in the supporting materials to the RFP shown on the website.

Question 11: The Township is not aware of any additional amendments to the AT&T lease. The 10/25/2022 check stub from AT&T is for \$3,636.26/mo. or \$43,635.12/year.

Answer 11: Please see updated RFP

Question 12: The RFP suggests the lease expires on October 25, 2024 but the original Omnipoint lease is for 5 years starting in 2004 with four 5 year extensions expiring in 2029? Can you please clarify when the lease expires and let me know if there's something I'm missing.

Answer 12: The expiration of the lease is October 25, 2029 based upon the lease terms and documentation provided previously by Phoenix Towers.

Question 13: Section 3 of the RFP states, "The Township is seeking proposals from experienced tower operators that will pay the Township a one-time lump sum fee in exchange for a fixed term easement to sublease, manage, or otherwise operate the tower and the additional ground space adjacent to the current lease area(s).

However, section 4-Y states, "Township will not accept proposals that are contingent upon whether the vendor is successful at taking over the operation of the existing tower."

The above two statements seem to contradict each other. The town has the right to purchase the tower for \$1 at expiration of the lease. So, who will have ownership of the tower at expiration, Mine Hill, the existing tower company, or the buyer? The offers will be different depending on who takes over at expiration.

Answer 13: As of closing, the bidder will "step into" the Town's position inclusive of the right to take over ownership of the tower at the expiration. Section 4-Y just states that bids must not be contingent upon what happens after a bidder acquires the Town's leases. The winning bidder will have the sole right to determine whether to purchase the tower for \$1 at the expiration of the lease or extend any or all leases during the term of the easement.

Question 14: Can the Township confirm that the final maturity, including all extensions, for the Tower Ventures Ground Lease is October 25, 2029.

Answer 14: Based upon a letter from Phoenix Tower (dated 11/12/2019), the lease expiration is November 25, 2029.