

**RESOLUTION OF THE BOARD OF TRUSTEES OF NEW JERSEY
INSTITUTE OF TECHNOLOGY AUTHORIZING ENTRY BY THE
INSTITUTE INTO A LEASE AND OPTION WITH OMNIPOINT
COMMUNICATIONS, INC. AND ALL OTHER NECESSARY ACTIONS
RELATED THERETO**

WHEREAS, at the request of New Jersey Institute of Technology (the “Institute” or “Public College”), the New Jersey Educational Facilities Authority (the “Authority”) issued its Revenue Bonds, New Jersey Institute of Technology Issue, Series 2004 B (the “2004 B Bonds”) to refinance, inter alia, the real property known as the GITC Building, NJIT Campus, Newark, New Jersey, Block 397, Lot 14, Tax Maps City of Newark (the “Financed Property”); and

WHEREAS, in connection with the issuance by the Authority of the 2004 B Bonds, the Institute, as Mortgagor and the Authority, as Mortgagee entered into a Mortgage dated as of April 1, 2004 (the “Mortgage”) to which the Financed Property is subject; and

WHEREAS, the Institute wishes to enter into a Rooftop Lease With Option Agreement (the “Lease”) with Omnipoint Communications, Inc., as lessee (the “Lessee”), pursuant to which the Lessee shall have the exclusive right, at its expense, to erect and maintain on approximately 100 square feet of the Financed Property, improvements, personal property and facilities necessary to operate its communications system described in Exhibit B to the Lease, including radio transmitting and receiving antennas, and related cables and utility lines and a location based system, as such location based system may be required by any county, state or federal agency/department, including, without limitation, additional antenna(s), coaxial cable, base units and other associated equipment (collectively, the “Antenna Facilities”); and

WHEREAS, the Antenna Facilities will be used for the transmission and reception of radio communication signals and for the installation, operation, maintenance, repair, removal or replacement of antennas and required related facilities as described and depicted in Exhibit B to the Lease; and

WHEREAS, as required pursuant to the Mortgage, the Institute has requested the Authority to consent to entry into the Lease between the Public College and the Lessee; and

WHEREAS, by Resolution duly adopted on January 23, 2008 (the “Authority Resolution”), the Members of the Authority approved the Lease and of a Consent Agreement by and among the Institute, the Lessee and the Authority (the “Consent Agreement”) in substantially the respective forms presented to the Members of the Authority at the meeting held on January 23, 2008 and authorized the authorized officers defined in the Resolution to consent to the Lease and execute and deliver the Consent Agreement in substantially the respective forms approved by the Members of the Authority with such changes as deemed necessary and appropriate by the approving and/or executing authorized officers; and

WHEREAS, the Board of Trustees of New Jersey Institute of Technology has determined that it is in the best interests of the Institute to enter into the Lease and Consent Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW JERSEY INSTITUTE OF TECHNOLOGY, AS FOLLOWS:

Section 1. Approval of Lease and Consent Agreement.

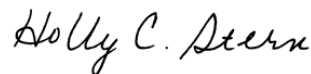
The Board of Trustees of New Jersey Institute of Technology hereby approves the Lease and the Consent Agreement substantially in the forms attached hereto as Exhibit A and Exhibit B, respectively, and hereby authorizes and directs the Chairperson, Vice-Chair Person, the Secretary to the Board, the President and/or the Senior Vice President for Administration and Treasurer (each an "Authorized Officer") as may be required to execute and deliver the Lease and the Consent Agreement with such changes as shall be approved by an Authorized Officer with the advice of counsel, if necessary, such execution and delivery to be deemed conclusive evidence of the approval thereof.

Section 2. Prior Actions Ratified; All Other Necessary Action Authorized.

Any and all prior actions taken by the Institute in connection with the entry into the Lease and the Consent Agreement by the Authority are hereby ratified and confirmed. The Authorized Officers, are each hereby authorized and directed to undertake any and all actions necessary to effect execution, delivery and performance of the Lease and the Consent Agreement and to execute and deliver any other consents, agreements, documents, certificates, directions, amendments and notices as may be necessary, advisable, or appropriate to effect action and the taking of any such action, and the execution and delivery of each such consent, agreement, documents, certificates, directions and notices shall be conclusive evidence of the approval thereof by the Authorized Officer taking such action and of its necessity, advisability or appropriateness.

Section 3. Effective Date.

This Resolution shall take effect immediately.



Holly C. Stern, Esq.
General Counsel and
Secretary to the Board of Trustees
New Jersey Institute of Technology

July 16, 2009
Board Resolution 2010-4