

# Legislation Details (With Text)

File #:	18-1	099	Version: 1				
Туре:	Res	olution		Status:	Passed		
File created:	12/1	1/2018		In control:	City Council		
On agenda:	12/1	8/2018		Final action:	12/18/2018		
Title:		Adopt the resolution authorizing the City Manager to execute the Right-of-Way License Agreement with CenturyLink for placement of fiber and conduit in the City's Right-of-Way.					
Sponsors:							
Indexes:							
Code sections:							
Attachments:	1. Resolution.pdf, 2. Level 3 executed - Naperville - License Agreement -11.27.2018.pdf						
Date	Ver.	Action By		Acti	on	Result	
12/18/2018	1	City Cour	ncil	ado	pted	Pass	

## CITY COUNCIL AGENDA ITEM

## ACTION REQUESTED:

Adopt the resolution authorizing the City Manager to execute the Right-of-Way License Agreement with CenturyLink for placement of fiber and conduit in the City's Right-of-Way.

#### **DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Tim Felstrup, Project Manager Jennifer Lutzke, Senior Assistant City Attorney

#### **BOARD/COMMISSION REVIEW:**

N/A

## BACKGROUND:

CenturyLink has asked for the City of Naperville to approve a right-of-way use license to allow it to install fiber optics and conduit underground in the City's' right-of-way. The request is related to needs of certain businesses to connect to dedicated fiber-optic telecommunication lines for a variety of reasons including improved speed, global reach, and security. CenturyLink has submitted four applications to upgrade its fiber within the City's right-of-way.

## DISCUSSION:

The Naperville Municipal Code (9-1B) provides that a right-of-way use license is required whenever a company desires to locate non-cable or telephone telecommunications facilities in the City's right-of-way. The Naperville Municipal Code requires a right-of-way use license agreement contain the following:

- 1. Five-year term with renewal and termination options;
- 2. Annual license fee of \$1.50 per each linear foot of newly installed facilities or \$.50 per linear

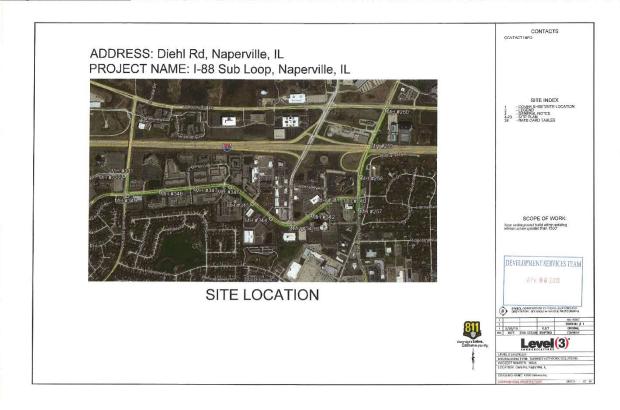
foot for facilities located in existing excess or surplus facilities;

- 3. Obligation to cooperate with the City and move facilities if necessary;
- 4. Liability indemnification as well as insurance and construction/performance surety requirements.

CenturyLink has applied for a right-of-way use license. A review of their plans has been completed by appropriate City departments.

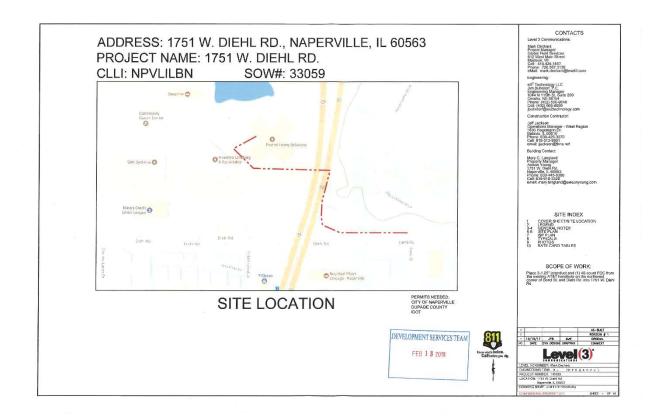
The following is a key summary of the proposed projects:

#### Project Location:



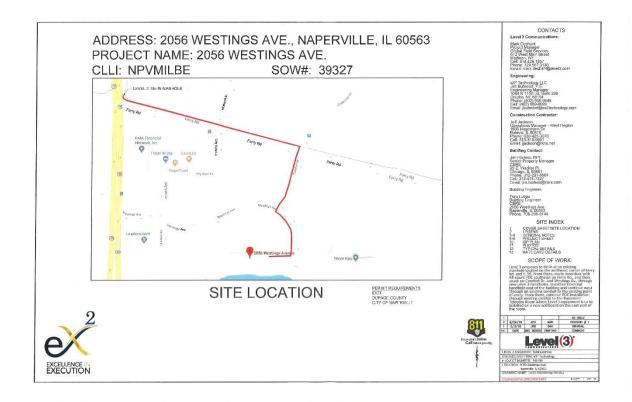
- Plans to install approximately 8,011 linear feet of fiber within existing conduit in the right-ofway across Shuman Boulevard at North Washington Street, along Washington Street from Shuman Boulevard to Diehl Road, and along Diehl Road from Washington Street to Naper Boulevard.
- 144 strand fiber optic cable
- Approximately \$4,005.50 to the City per year (\$20,027.50 over five years). The annual fee is \$.50 per linear foot within existing conduit.

## Project Location:



- Plans to install approximately 1,023 linear feet of conduit and fiber in the City's right-of-way along Diehl Road from Bond Street to Route 59.
- 48 strand fiber optic cable
- Approximately \$1,534.50 to the City per year (\$7,672.50 over five years). The annual fee is \$1.50 per linear foot for newly installed facilities.

# Project Location:



- Plans to install approximately 1,119 linear feet of conduit and fiber in the City's right-of-way along Comfort Drive from Ferry Road to Westings Avenue and along Westings Avenue from Comfort Drive to 2056 Westings Avenue.
- 48 strand fiber optic cable
- Approximately \$1,678.50 to the City per year (\$8,392.50 over five years). The annual fee is \$1.50 per linear foot for newly installed facilities.

# Project Location:



- Plans to install approximately 160 linear feet of conduit and fiber in the City's right-of-way across Washington Street from Shuman Boulevard to 535 East Diehl Road.
- 48 strand fiber optic cable
- Approximately \$240.00 to the City per year (\$1,200.00 over five years). The annual fee is \$1.50 per linear foot for newly installed facilities.

A copy of the right-of-way use license is appended for consideration.

## FISCAL IMPACT:

An annual increase of \$7,458.50 in licensing fees.