



## Legislation Details (With Text)

**File #:** 18-1099      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 12/11/2018      **In control:** City Council

**On agenda:** 12/18/2018      **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	Action	Result
12/18/2018	1	City Council	adopted	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

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:**

ADDRESS: Diehl Rd, Naperville, IL  
PROJECT NAME: I-88 Sub Loop, Naperville, IL

- Plans to install approximately 8,011 linear feet of fiber within existing conduit in the right-of-way 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 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.