



Legislation Details (With Text)

File #: 19-197 **Version:** 1

Type: Resolution **Status:** Passed

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On agenda: 3/5/2019 **Final action:** 3/5/2019

Title: Adopt the resolution authorizing the City Manager to execute the Right-of-Way License Agreement with MCImetro (Verizon) for placement of new fiber optic lines and conduit in the City's right-of-way and for maintenance of a previously installed fiber optic network purchased from WOW in 2017

Sponsors:

Indexes:

Code sections:

Attachments: 1. MCImetro Executed ROW License Agreement.pdf, 2. MCImetro Resolution.pdf, 3. Attachment 1 - Purchased WOW Network Map.pdf

Date	Ver.	Action By	Action	Result
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CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Adopt the resolution authorizing the City Manager to execute the Right-of-Way License Agreement with MCImetro (Verizon) for placement of new fiber optic lines and conduit in the City's right-of-way and for maintenance of a previously installed fiber optic network purchased from WOW in 2017

DEPARTMENT: Transportation, Engineering and Development

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

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

MCImetro has asked for the City of Naperville to approve a right-of-way use license to allow it to install fiber optic lines and conduit underground in the City's right-of-way. The request is related to needs of the company to expand their fiber optic telecommunication infrastructure to support the future installation of their small cell network equipment designed to improve cellular connectivity for their customers.

MCImetro has submitted four applications to install new fiber optic lines within the City's right-of-way. On December 14, 2017 MCImetro purchased a fiber optic network previously constructed within the City of Naperville right-of-way by WOW consisting of 118,432 linear feet of underground lines and 123,003 linear feet of overhead lines that is also included with this agreement.

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. Unless prohibited by preemptive law, an 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.

MCImetro has applied for a right-of-way use license. As an authorized retailer of telecommunication services, MCImetro is required to collect and remit a six percent (6%) tax from retail customers to the City, the taxes the City receives is significantly more than the standard right-of-way use license fees provided in the City's code and therefore, the City will not charge an additional fee for the licensure of fiber pursuant to this agreement.

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 5,638 linear feet of fiber and new 2" HDPE conduit in the right-of

-way along Diehl Road from Raymond Drive to Wall Street, along Wall Street from Diehl Road to McDowell Road, along McDowell Road from Wall Street to Bond Street, and along Bond Street from McDowell Road to La Salle Avenue.

- 864 strand fiber optic cable

Project Location:

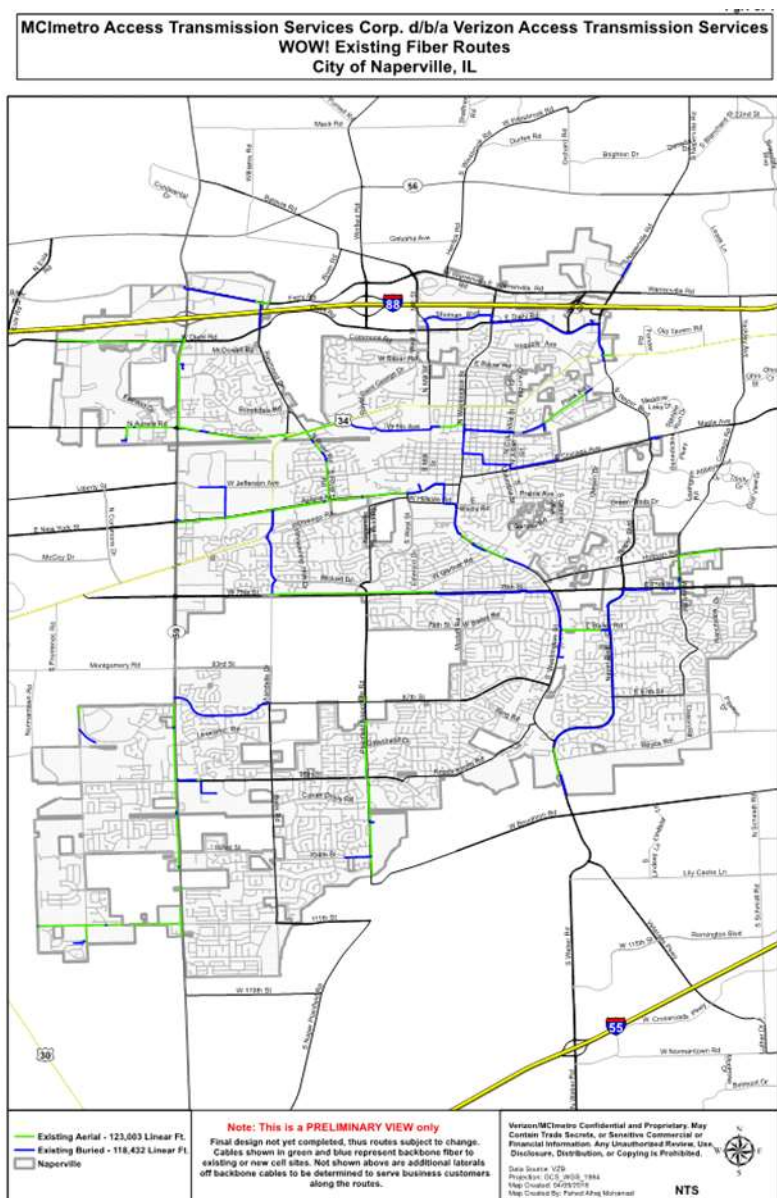


- Plans to install approximately 2,414 linear feet of new conduit and fiber in the City's right-of-way along Aurora Avenue from Whispering Hills Drive to West Street and along West Street from Aurora Avenue to approximately 290 feet south of Martin Avenue.
- 72 strand fiber optic cable

Project Location:

- Plans to install approximately 13,314 linear feet of new conduit and fiber in the City's right-of-way along Plank Road from Naperville/Wheaton Road to Columbia Street, along 5th Avenue from Columbia Street to Washington Street, along Washington Street from 5th Avenue to Franklin Avenue, along Franklin Avenue from Washington Street to Ellsworth Street, along Ellsworth Street from Franklin Avenue to Benton Avenue, along Benton Avenue from Ellsworth Street to Washington Street, along Washington Street from Benton Avenue to Bailey Road, along Bailey Road from Washington Street to Riparian Drive, and along Riparian Drive from Bailey Road approximately 560 feet south of Bailey Road.
- 432 strand fiber optic cable

Project Location:



- 123,003 Linear Feet of existing overhead fiber optic lines purchased from WOW
- 118,003 Linear Feet of existing underground fiber optic lines purchased from WOW

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

FISCAL IMPACT:

N/A