



## MEMORANDUM

**TO:** Mayor Laurel Lunt Prussing and Members of the City Council  
**FROM:** William R. Gray, Public Works Director  
Gale L. Jamison, Assistant City Engineer  
Bradley M. Bennett, Senior Civil Engineer  
**DATE:** January 24, 2013  
**RE:** MCC Network Services, LLC, First Amendment to Agreement for use of Right-of-Way

### INTRODUCTION

On December 17, 2012, Council approved a license agreement with MCC Network Services, LLC of Sullivan, Illinois to install fiber optic cables below ground in conduits within the rights-of-way of the City on Goodwin Avenue between University Avenue and Main Street. After the license agreement was approved MCC Networks contacted the Urbana Public Works Department requesting an extension of the fiber optic installation farther south on Goodwin Avenue to Stoughton Street, rather than to Main Street as approved in the license agreement. In accordance with City policy, a license agreement amendment with the City for the proposed additional fiber optic installation on Goodwin Avenue is required and is attached for Council consideration. The proposed routing of the fiber optic cable is depicted in Exhibit A-1, attached along with the proposed amendment.

### FISCAL IMPACT

The proposed installation will be at no cost to the City. As provided for in the agreement, "In the event that MCC Network Services, LLC becomes a retailer of telecommunications services within the City by the transmitting, supplying or furnishing of telecommunications, including without limitation internet services, data services, local telephone services or long distance services, as contemplated under the Illinois Simplified Municipal Telecommunications Tax Act, as amended from time to time, then MCC Network Services, LLC will provide written notice thereof to the City, and will as soon as practicable thereafter commence collection of the taxes provided for under that Act, and any other taxes that they may be required by law to collect."

### RECOMMENDATION

It is recommended that the City Council approve the attached ordinance entitled, "**AN ORDINANCE APPROVING A FIRST AMENDMENT TO AN AGREEMENT FOR USE OF RIGHT-OF-WAY BETWEEN THE CITY OF URBANA AND MCC NETWORK SERVICES, LLC.**"

Attachments: Amendment to Agreement  
Exhibit A-1

**ORDINANCE NO. 2013-01-006**

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO AN AGREEMENT FOR USE OF  
RIGHT-OF-WAY WITH MCC NETWORK SERVICES, LLC**

**(Goodwin Avenue between University Avenue and Stoughton Street)**

**WHEREAS**, the parties hereto did on the 21st of December 2012, pursuant to Ordinance No. 2012-12-114, enter into an agreement to allow MCC Network Services, LLC ("MCC") to install fiber optic cables below ground within the certain rights-of-way of the City of Urbana ("City"); and

**WHEREAS**, MCC and the City have determined that the best interests of both entities are served by making and entering into a first amendment to said agreement to authorize MCC to install additional fiber optic cables below ground in the North Goodwin Avenue right-of-way between West Main Street and West Stoughton Street.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

**Section 1.**

The amendment to the prior agreement, as reflected in the attached agreement entitled "First Amendment to Agreement for Use of Right-Of-Way made between the City of Urbana, Illinois, and MCC Network Services, LLC. (North Goodwin Avenue between West University Avenue and West Stoughton Street)," is hereby authorized and approved.

**Section 2.**

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said amendment as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

**After recording return to:**

City of Urbana Legal Division  
400 S. Vine Street  
Urbana, IL 61801

**FIRST AMENDMENT TO AGREEMENT FOR USE OF RIGHT-OF-WAY MADE BETWEEN  
THE CITY OF URBANA, ILLINOIS, AND MCC NETWORK SERVICES, LLC**

**North Goodwin Avenue between West University Avenue and West Stoughton Street**

THIS FIRST AMENDMENT is made and entered into by and between the CITY OF URBANA, ("City") and MCC NETWORK SERVICES, LLC ("Company") and is effective on the last date signed by a party hereto.

The City and the Company mutually agree to the following amendments to the Agreement for Use of Right-of-Way (hereinafter "Agreement"), authorized by Ordinance No. 2012-12-114, and entered into on December 21, 2012:

1. Section 1 (Right of way) is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows: North Goodwin Avenue between West University Avenue and West ~~Main~~ Stoughton Street ("right-of-way") is a roadway of at least sixty feet of dedicated right-of-way, as shown in Exhibit ~~A~~ A-1, attached hereto and made a part hereof.

2. Section 2 (Grant of license) is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows: The City hereby grants the Company a limited license to construct the following facility ("facility") within said right-of-way: Two 1-inch fiber optic conduits, beginning at a handhole at West University Avenue and continuing south on North Goodwin Avenue to West ~~Main~~ Stoughton Street. One conduit will be empty. The other conduit will contain 72-count fiber optic cable. The installation will be accomplished using directional boring and plowing. The facility is depicted in Exhibit ~~A~~ A-1.

3. Exhibit A of the Agreement is hereby replaced with Exhibit A-1, designating a new construction boundary of West Stoughton Street in place of West Main Street. A copy of Exhibit A-1 is attached to this First Amendment and is made a part of the Agreement.

All other terms and conditions of the Agreement remain in full force and effect.

This First Amendment shall take effect upon execution by the City and the Company.

*First Amendment to Agreement for use of Right-Of-Way made between the City of Urbana,  
Illinois, and MCC Network Services, LLC*

This First Amendment will be recorded in the Office of the Champaign County Recorder of Deeds at the expense of the Company.

The duly authorized representatives of the City and the Company have executed this First Amendment on the dates as stated below.

**City of Urbana, Illinois:**

\_\_\_\_\_  
Laurel Lunt Prussing  
Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Phyllis Clark  
City Clerk

**MCC Network Services, LLC:**

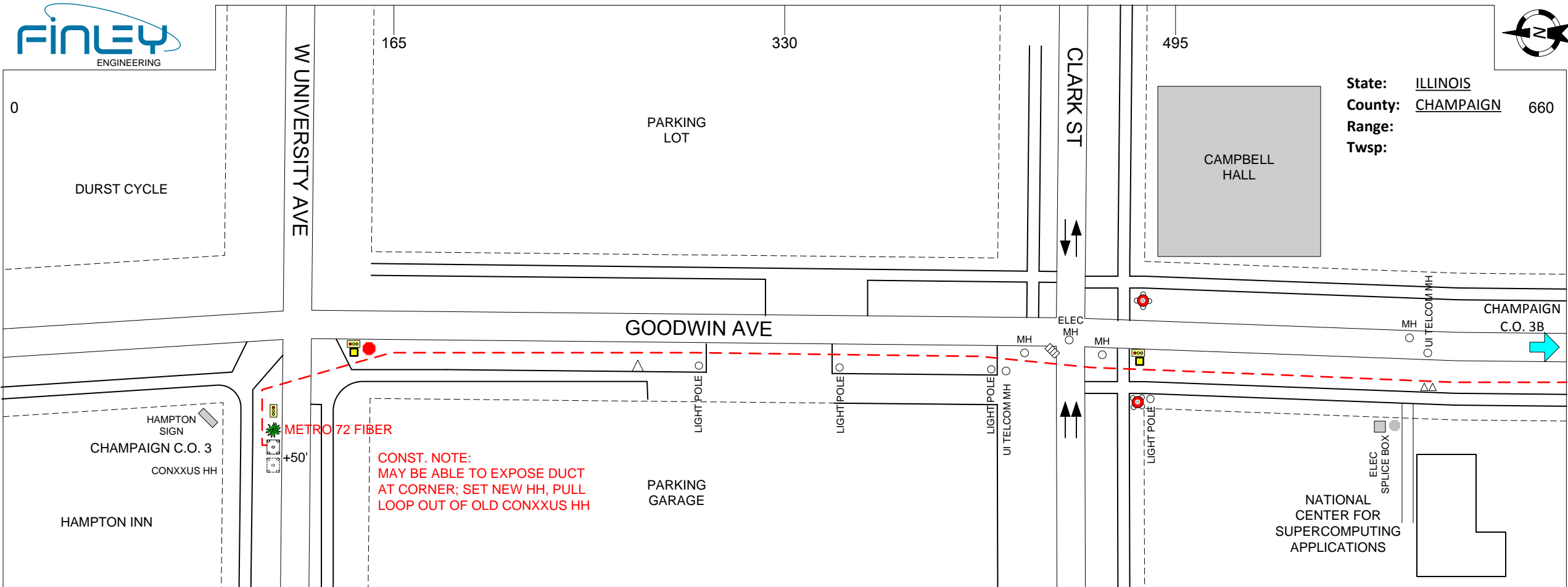
\_\_\_\_\_  
Zachary Horn  
President

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Elizabeth Bennett  
Secretary

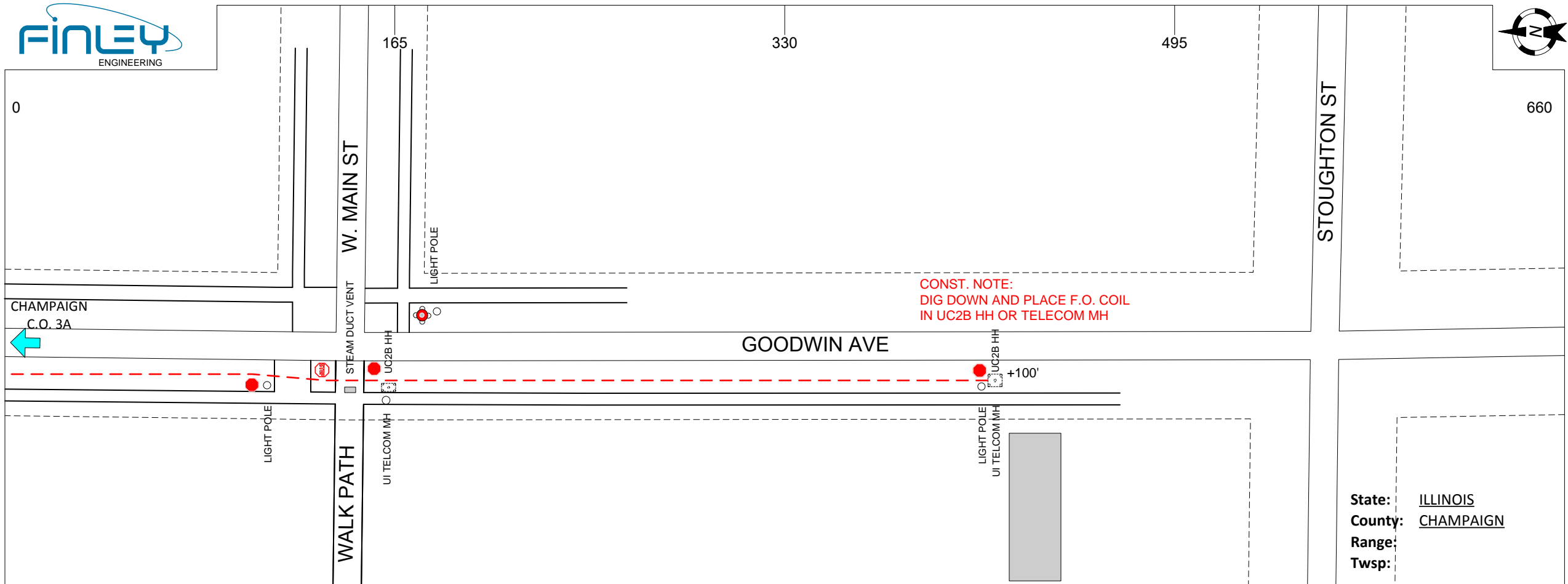
Attachment: Exhibit A-1



TERM#	BD	BFO	I	BFOV( ) ( " )	BHF(36x48x36)T	BM2	BM2B	BM53F	BM( )DP	BM( )P	BM72	HBFO( )	HO	W( )	W( )			
TOTAL		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**As Staked**  
**Metro Communications Co.**  
Name: CHAMPAIGN CO 3A  
WO: 2011-05  
Exch: ALL  
Route: CHAMPAIGN CO  
ROW:  
**Exhibit A-1**  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Drawing Not to Scale

Sheet	3A	of	
-------	----	----	--



State: ILLINOIS  
 County: CHAMPAIGN  
 Range:  
 Twsp:

TERM#	BD	BFO	I	BFOV( ) ( " )	BHF(36x48x36)T	BM2	BM2B	BM53F	BM( )DP	BM( )P	BM72	HBFO( )	HO	W( )	W( )		
TOTAL		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**As Staked**

**Metro Communications Co.**

Name: CHAMPAIGN CO 3B  
 WO: 2011-05  
 Exch: ALL  
 Route: CHAMPAIGN CO  
 ROW:

**Exhibit A-1**

Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_

*Drawing Not to Scale*

Sheet	3B	of	
-------	----	----	--