



## MEMORANDUM

**TO:** Mayor Laurel Lunt Prussing and Members of the City Council  
**FROM:** William R. Gray, Public Works Director  
Bradley M. Bennett, Assistant City Engineer  
**DATE:** September 24, 2015  
**RE:** Metro Communication Company, Inc., First Amendment to Agreement for use of Right-of-Way

### INTRODUCTION

On July 20, 2015, Council approved a license agreement with Metro Communications Company (MCC), Inc. of Sullivan, Illinois, to install fiber optic cables below ground in conduits within the rights-of-way of the City on Lincoln Avenue between University Avenue and Melrose Boulevard. After the license agreement was approved, MCC contacted the Urbana Public Works Department requesting optic installations on Race Street from Florida Avenue to south of Windsor Avenue, Philo Road from Florida Avenue to Colorado Avenue, and Colorado Avenue from Philo Road to Prairie Winds Circle. In accordance with City policy, a license agreement amendment with the City for the proposed additional fiber optic installations is required and is attached for Council consideration. The proposed routing of the fiber optic cable is depicted in Exhibits C and D, attached along with the proposed amendment.

### FISCAL IMPACT

The proposed installation will be at no cost to the City. The City is not entitled to any revenue from MCC. As provided for in the agreement, "In the event that MCC 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 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 AMENDMENT NO. 1 TO AN AGREEMENT FOR USE OF RIGHT-OF-WAY WITH METRO COMMUNICATIONS COMPANY, INC.**"

Attachments: AN ORDINANCE APPROVING AN AGREEMENT FOR USE OF RIGHT-OF-WAY WITH METRO COMMUNICATIONS COMPANY, INC.  
Amendment No. 1 to Agreement for Use of Right-of-Way (Metro Communications Company, Inc.)

**ORDINANCE NO. 2015-09-101**

**AN ORDINANCE APPROVING AMENDMENT NO. 1 TO AN AGREEMENT FOR USE OF  
RIGHT-OF-WAY WITH METRO COMMUNICATIONS COMPANY, INC.**

**Race Street between Florida Avenue and 2711 Race Street  
Florida Avenue between Linden Drive and Philo Road  
Philo Road between Florida Avenue and Colorado Avenue  
Colorado Avenue between Philo Road and Prairie Winds Circle**

**WHEREAS**, the parties hereto did on the 21st day of July 2015, pursuant to Ordinance No. 2015-07-073, enter into an agreement to allow Metro Communications Company, Inc. ("Company") to install fiber optic cables below ground within the certain rights-of-way of the City of Urbana ("City"); and

**WHEREAS**, the Company and the City have determined that the best interests of both entities are served by making and entering into an amendment to said agreement to authorize the Company to install additional fiber optic cables below ground as provided therein.

**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 "Amendment No. 1 to Agreement for Use of Right-of-Way, Metro Communications Company, Inc.," 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.

**Section 3.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 4.**

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**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

**Amendment No. 1 to Agreement for Use of Right-of-Way**

**Metro Communications Company, Inc.**

The City of Urbana, Illinois ("City") and Metro Communications Company, Inc. ("Company") mutually agree to the following amendments to the Agreement for Use of Right-of-Way, authorized by Ordinance No. 2015-07-073, and entered into on July 21, 2015:

1. Paragraph 1, "Right-of way," is amended and as amended shall read as set forth below.

1. **Right-of way.** The following are roadways ("right-of-way") of at least sixty feet in width of dedicated right-of-way: East Colorado Avenue, East Florida Avenue, North Lincoln Avenue, Philo Road, South Race Street, and West Windsor Road.

2. Paragraph 2, "Grant of license," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

2. **Grant of license.** The City hereby grants the Company a limited license to construct a Facility ("Facility") within such right-of-way consisting of a single 1.25-inch conduit with 144 count loose tube armored fiber, as described in Exhibit A and as shown in Exhibit B, three 1.25-inch conduits, each with 144 count Commscope fiber, as described in Exhibit A-1 and as shown in Exhibit C, and two 1-inch conduits, each with 48 count Commscope fiber, as described in Exhibit A-1 and as shown in Exhibit D, all of which exhibits are attached hereto and are made a part hereof. The Company shall not start any construction on South Race Street south of West McHenry Street before October 16, 2015.

3. Exhibit A-1, dated September 16, 2015, is attached to and made a part of this amendment.

4. Exhibit C, dated September 16, 2015, is attached to and made a part of this amendment.

5. Exhibit D, dated September 16, 2015, is attached to and made a part of this amendment.

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

This amendment will take effect upon execution by the City and the Company.


The City shall record this amendment in the Office of the Champaign County Recorder of Deeds at the expense of the Company.

[Signature page follows]

The duly authorized representatives of the City and Company are signing this Amendment No. 1 on the dates stated below.

METRO COMMUNICATIONS  
COMPANY, INC.

CITY OF URBANA, ILLINOIS

By:   
Zachary Horn  
President  
Date: 9-18-15

By: \_\_\_\_\_  
Laurel Lunt Prussing  
Mayor  
Date:

Attest:

Attest:

  
Elizabeth Bennett  
Secretary

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

Attachments:	Exhibit A-1	Written description
	Exhibit C	Race Street segment maps
	Exhibit D	Philo Road segment maps

Exhibit A-1  
September 16, 2015

**Race Street Segment**

MCC proposes to bury 3-1.25" HPDE conduit along the west side of South Race Street. The path starts west of the southwest corner of East Florida Avenue and South Race Street. The path continues south on the west side of South Race Street past West Windsor Road. The path stops at 2711 South Race Street. Proposed installation would be accomplished using directional boring. 144 count Commscope fiber will be placed in the duct upon completion.

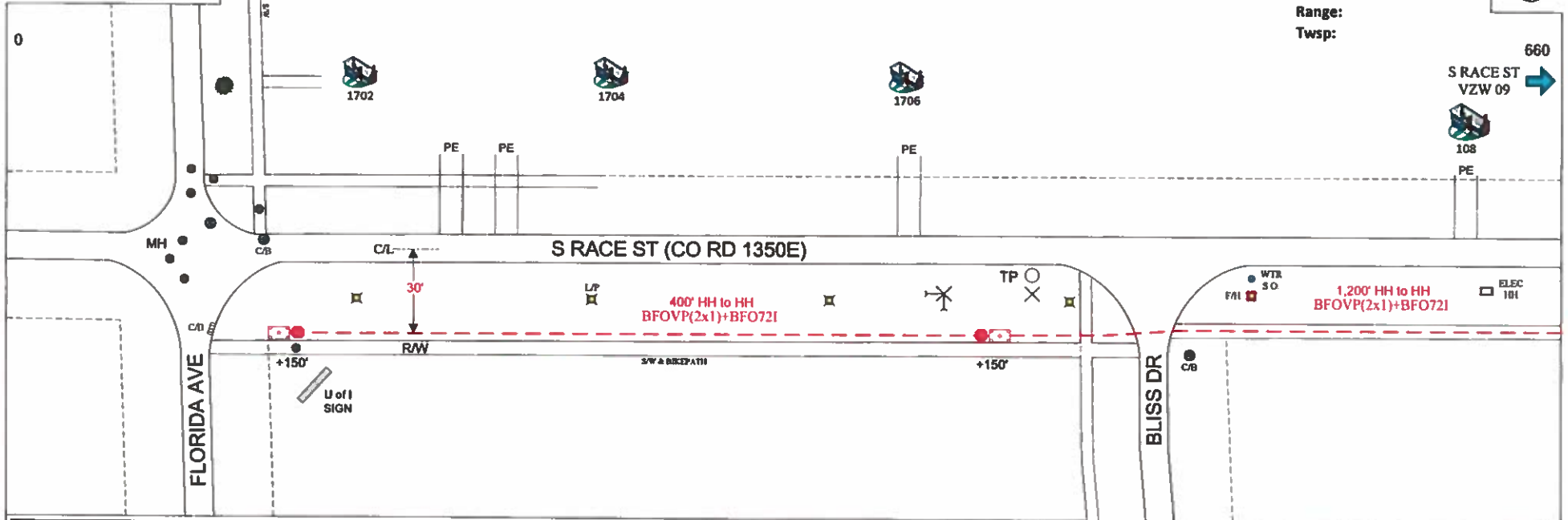
**Philo Road Segment**

MCC proposes to bury 2-1" HPDE conduit along East Florida Avenue, Philo Rd, and East Colorado Avenue. The path starts on the south side of East Florida Avenue west of Philo Road and continues east to the east side of Philo Road. A handhole will be placed at the southeast corner of the intersection of Philo Road and East Florida Avenue. The path continues south on the east side of Philo Road to the northeast corner of the intersection of Philo Road and East Colorado Avenue. The path continues east on the north side of East Colorado Avenue to 1508 East Colorado Avenue. Proposed installation would be accomplished using directional boring. 48 count Commscope fiber will be placed in the duct upon completion.



Exhibit C  
September 16, 2015  
330 "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twp:



TERM#	BD	BFO	I	BFOV ( )	EHF(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: S RACE ST VZW 09  
 WD: 2015-01  
 Exch: ALL  
 Route: 2015 VZW SITES  
 ROW:

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

Drawing Not to Scale

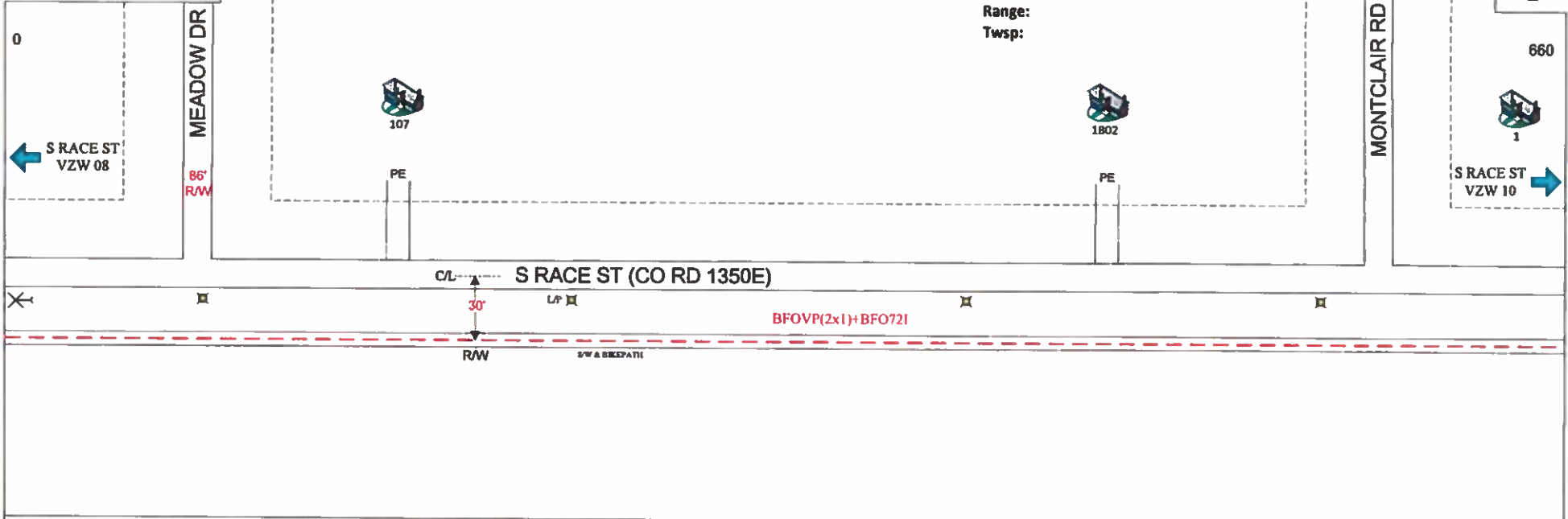
Sheet	8	of	18
-------	---	----	----



Exhibit C

September 16, 2015  
330

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:



TERM#	BD	BFO	I	BFOV ( )	BHF(36x48x36)T	BM2	BM2B	BM53F	BM( )DP	BM( )P	BM72	HEFO( )	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: S RACE ST VZW 02  
 W/O: 2015-01  
 Each: ALL  
 Route: 2015 VZW SITES  
 ROW:  
 Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Tabled By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Drawing Not to Scale

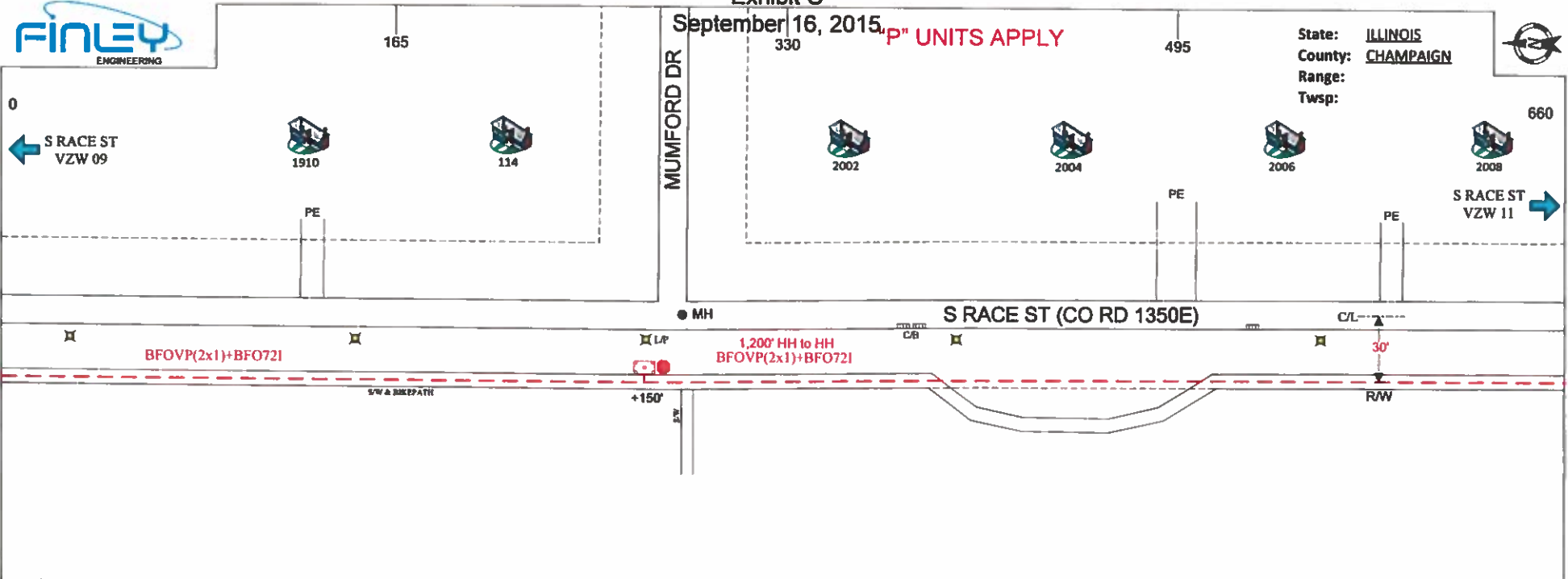
Sheet	9	of	18
-------	---	----	----





Exhibit C  
September 16, 2015, "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:



TERM#	BD	BFO	I	BFOV ( )	BHR(36x48x36)T	BMZ	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

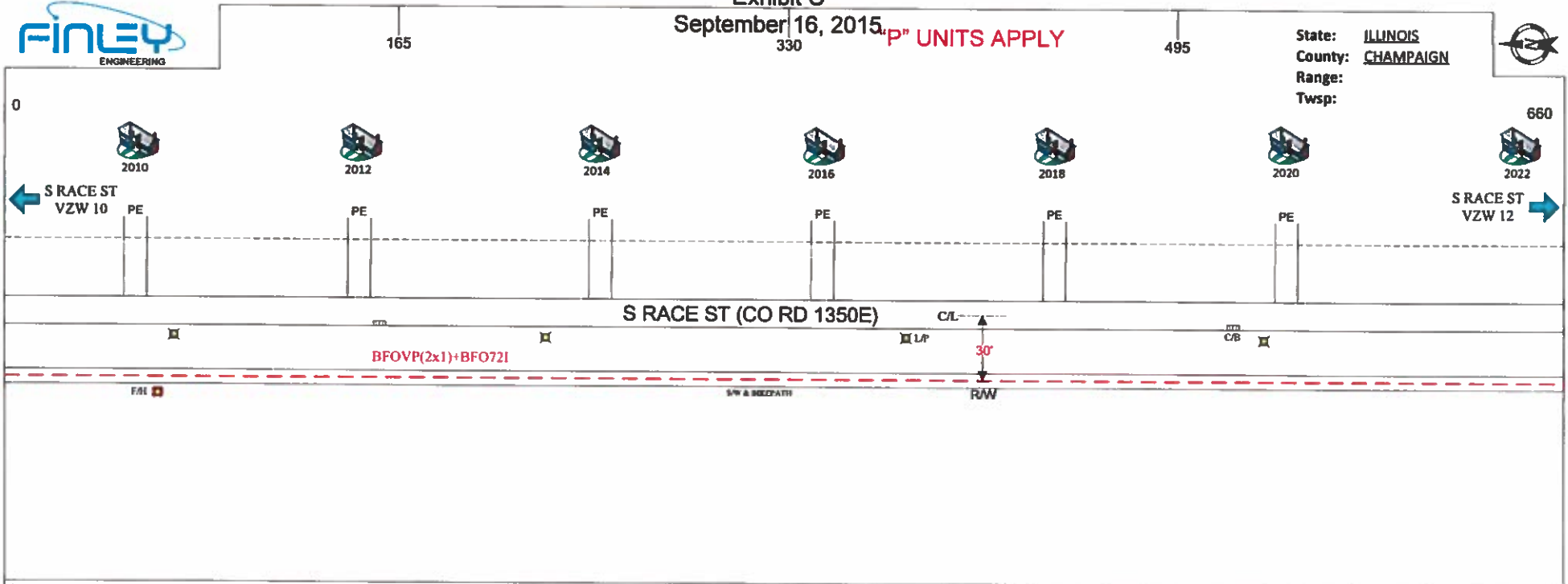
**As Staked**  
**Metro Communications Co.**  
Name: S RACE ST VZW 10  
WO: 2015-01  
Exch: ALL  
Route: 2015 VZW SITES  
ROW:  
  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
  
Drawing Not to Scale

Sheet	10	of	18
-------	----	----	----



Exhibit C  
September 16, 2015  
330 "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:



TERM#	ED	BFO	I	BFOV ( X )	EHF(36x48x36)T	BM2	BM2B	BM53F	BM( )DP	BM( )P	BM72	HBFO( )	HO	W( )	W( )		
TOTAL		0		0		0		0		0		0		0		0	0

**As Staked**

**Metro Communications Co.**

Name: S RACE ST VZW 11  
 WO: 2015-01  
 Excl: ALL  
 Route: 2015 VZW SITES  
 ROW:

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

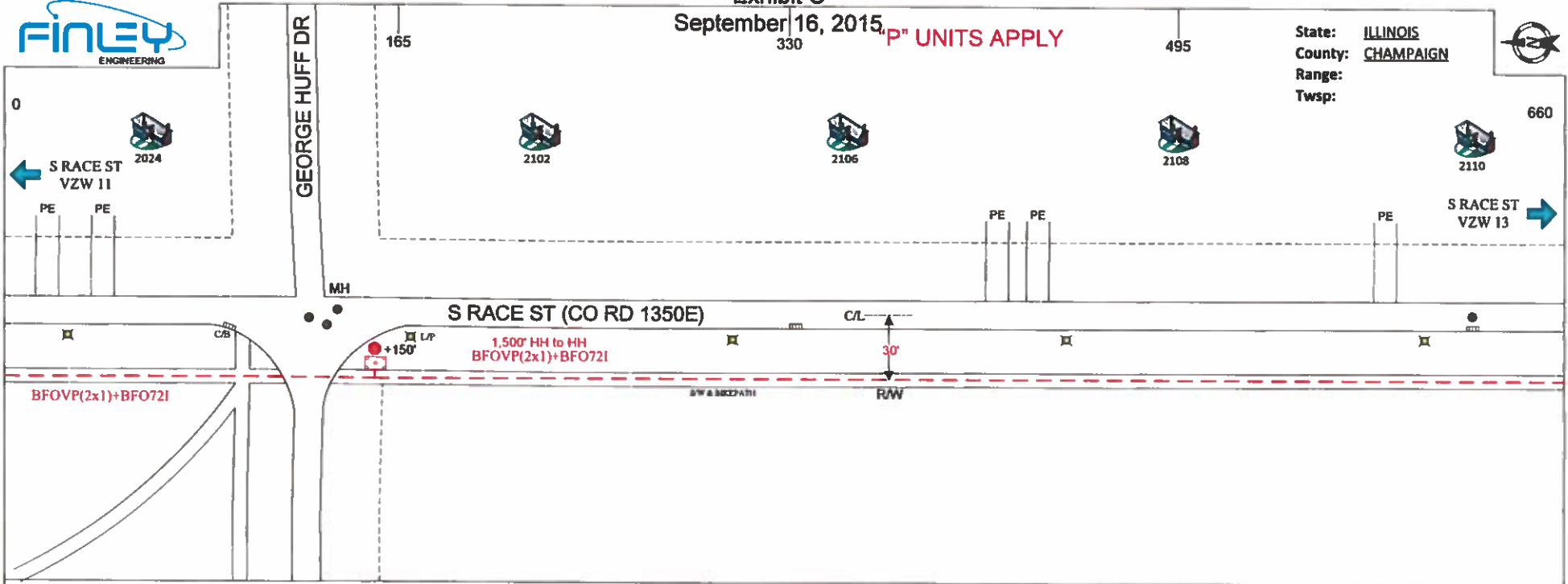
*Drawing Not to Scale*

Sheet	11	of	18
-------	----	----	----



Exhibit C  
September 16, 2015, "P" UNITS APPLY  
330

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:



TERM#	ED	BFO	I	BFOV ( X )	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

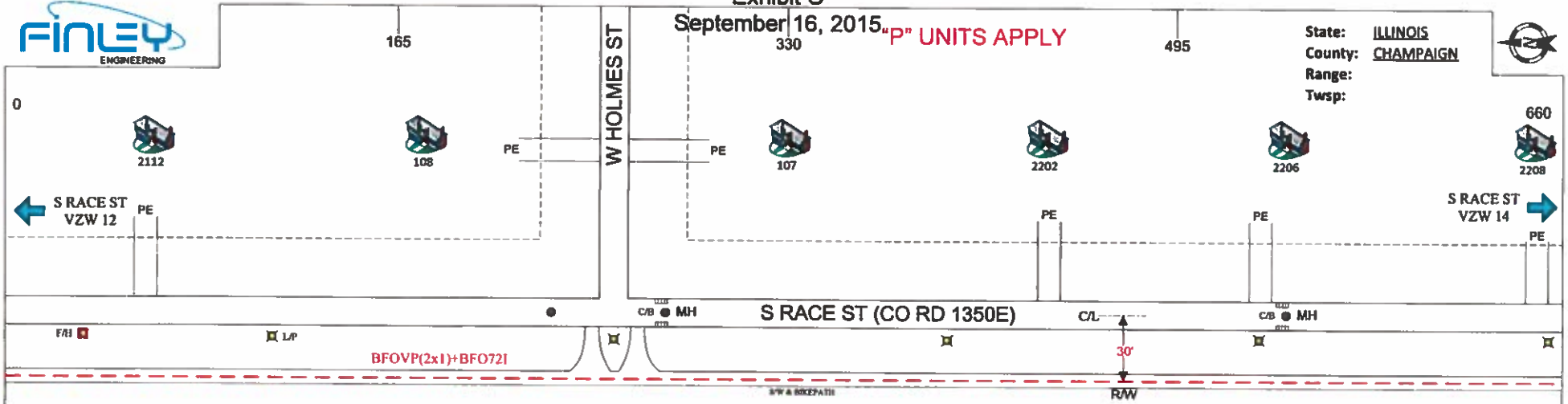
As Staked  
Metro Communications Co.  
Name: S RACE ST VZW 12  
WO: 2015-01  
Exch: ALL  
Route: 2015 VZW SITES  
ROW:  
  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
  
Drawing Not to Scale

Sheet	12	of	18
-------	----	----	----



Exhibit C  
September 16, 2015 "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twp:



TERM#	ID	BFO	I	BFOV ( X '')	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: S RACE ST VZW 13  
 WO: 2015-01  
 Excl: ALL  
 Route: 2015 VZW SITES  
 ROW:

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

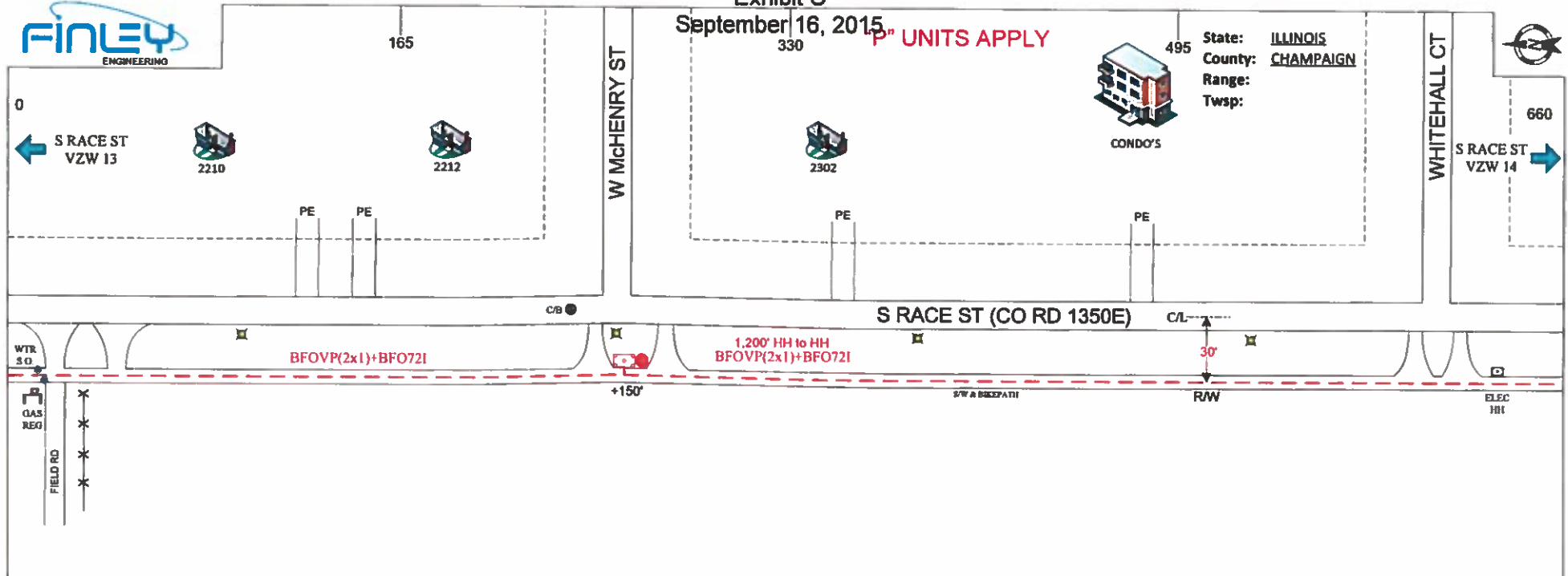
Drawing Not to Scale

Sheet	13	of	18
-------	----	----	----



Exhibit C  
September 16, 2015  
330 "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twp:



TERM#	ED	BFO	I	BFOV ( X )	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

As Staked  
Metro Communications Co.  
Name: S RACE ST VZW 14  
WO: 2015-01  
Ech: ALL  
Route: 2015 VZW SITES  
ROW:  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Drawing Not to Scale  
Sheet 14 of 18



Exhibit C  
September 16, 2015  
330 "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:

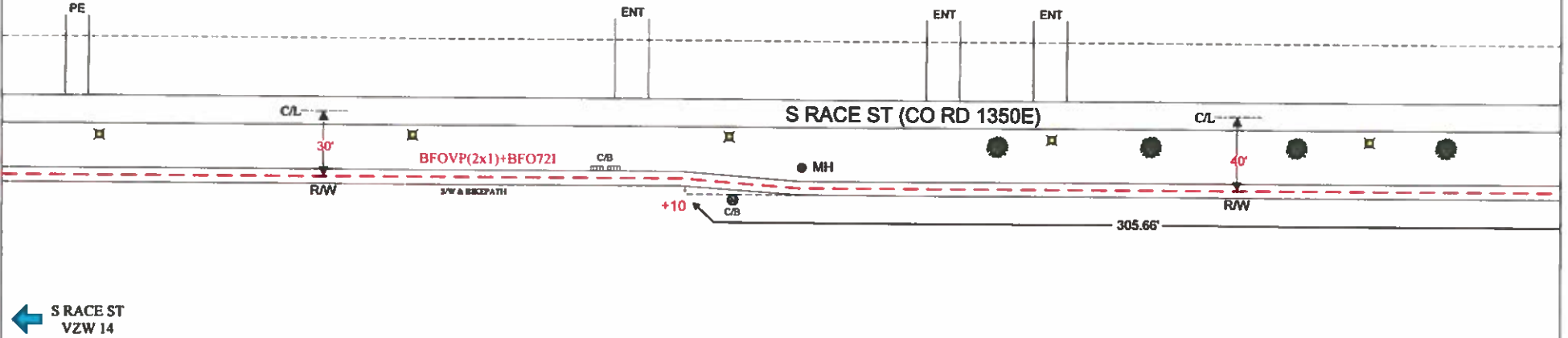


2502  
STONE CREEK  
CHURCH

PARKING  
LOT

660

S RACE ST  
VZW 16 →



← S RACE ST  
VZW 14

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

As Staked  
Metro Communications Co.  
Name: S RACE ST VZW 15  
WO: 2015-01  
Eck: ALL  
Route: 2015 VZW SITES  
ROW:  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Drawing Not to Scale  
Sheet 15 of 18

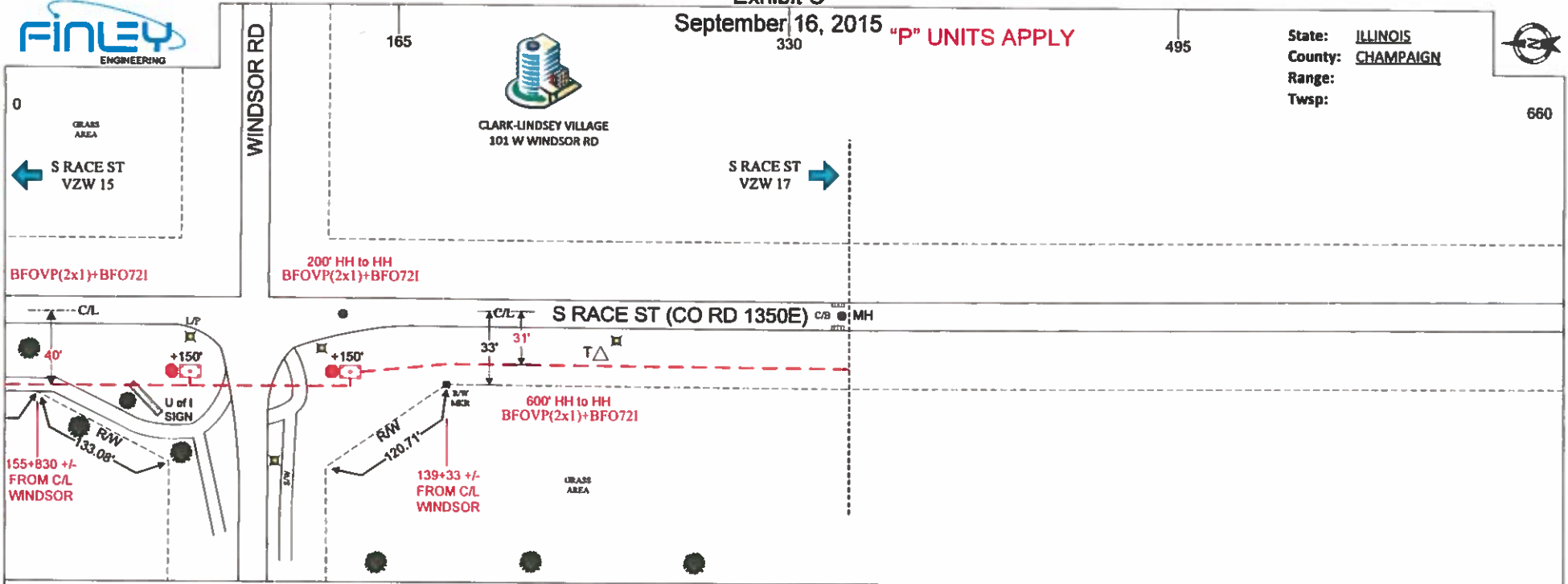


Exhibit C  
September 16, 2015 "P" UNITS APPLY

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:



660



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	

As Staked  
Metro Communications Co.

Name: S RACE ST VZW 16  
WD: 2015-01  
Eck: ALL  
Route: 2015 VZW SITES  
ROW:

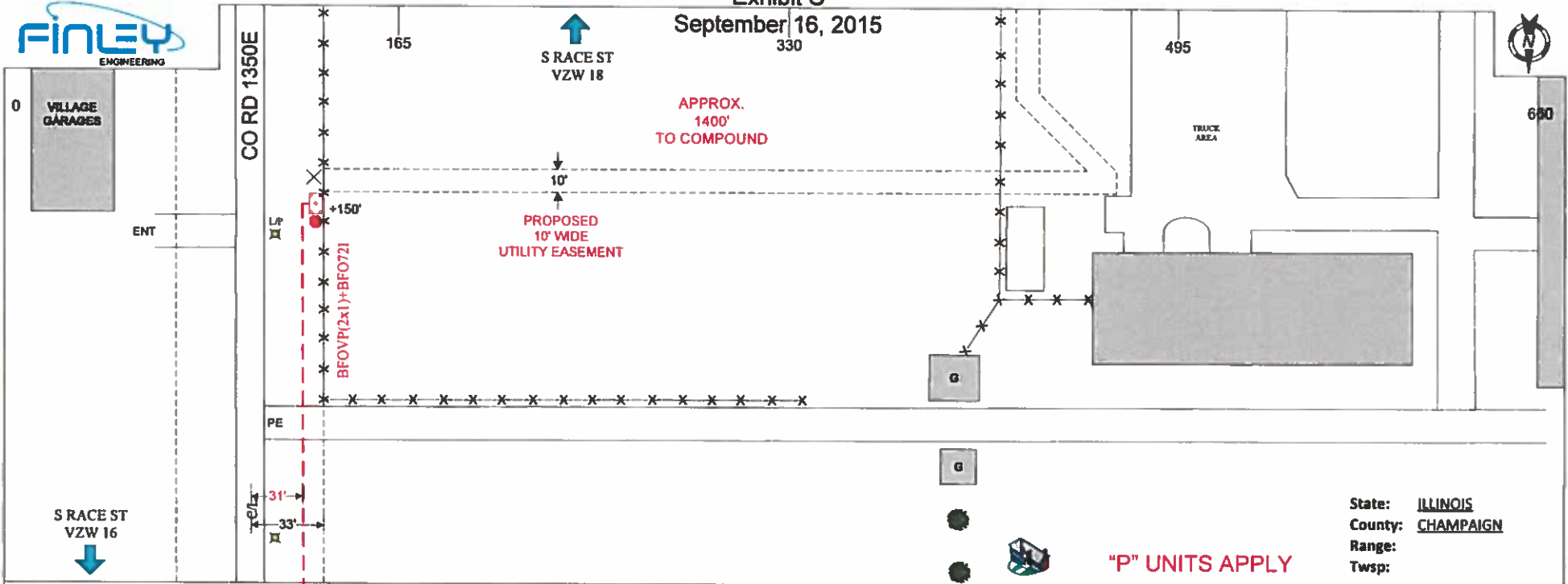
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_

Drawing Not to Scale

Sheet	16	of	18
-------	----	----	----



Exhibit C  
September 16, 2015  
330



State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twp:

"P" UNITS APPLY

TERM#	ED	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

As Staked  
Metro Communications Co.  
Name: S RACE ST VZW 17  
WQ: 2015-01  
Ech: ALL  
Route: 2015\_VZW\_SITES  
ROW:  
  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
  
Drawing Not to Scale  
Sheet 17 of 18



Google Maps Urbana, IL



Imagery ©2015 Google, Map data ©2015 Google 500 ft

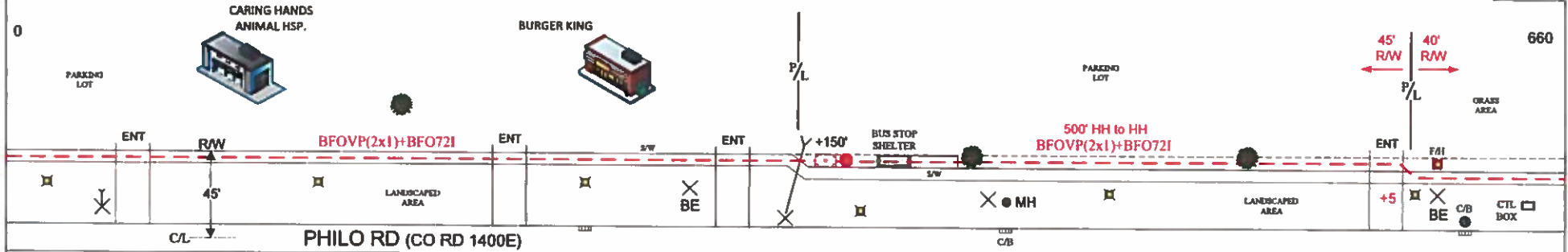




Exhibit D

September 16, 2015  
330

VERIZON WIRELESS STORE



CIVIL SVC  
SYS VZW 06



State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:

CIVIL SVC  
SYS VZW 08

"P" UNITS APPLY

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

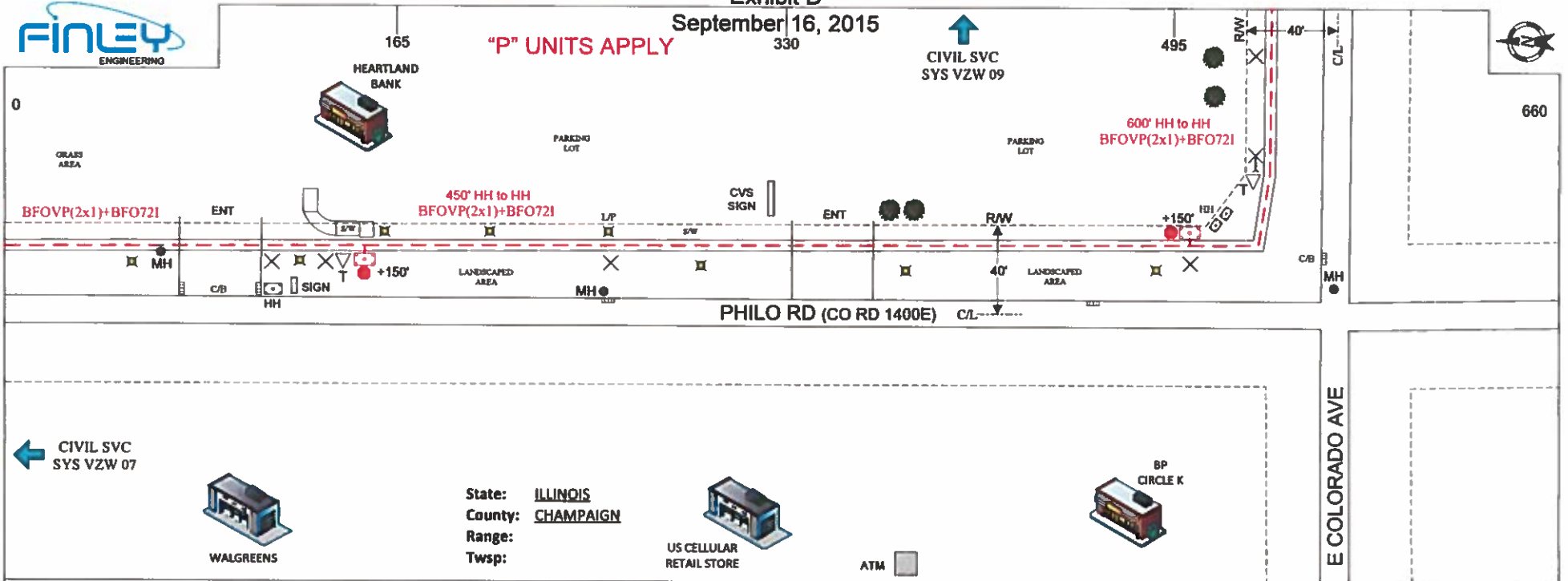
As Staked  
Metro Communications Co.  
Name: CIVIL SVC SYSTEM VZW 07  
WO: 2015-01  
Eck: ALL  
Route: 2015 VZW SITES  
ROW:  
  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
  
Drawing Not to Scale  
Sheet 7 of 10



Exhibit D  
September 16, 2015  
330

"P" UNITS APPLY

CIVIL SVC  
SYS VZW 09

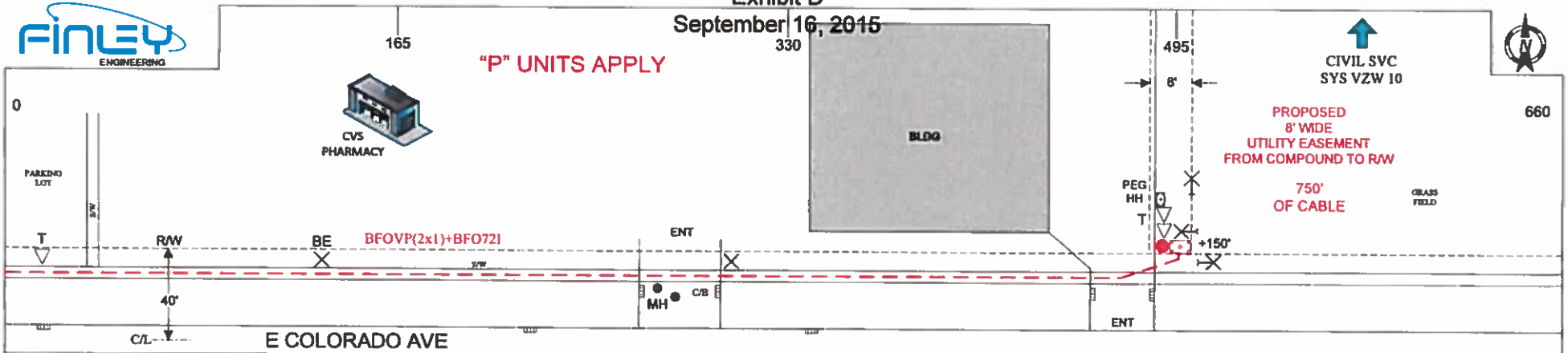


TERM#	ED	BFO	I	BFOV( X ")	BHR(36x48x36)T	BM2	BM2B	BM53F	BM( )DP	BM( )P	BM72	HEFO( )	HO	W( )	W( )		
TOTAL		0		0		0	0	0	0	0	0	0	0	0	0	0	0

As Staked  
**Metro Communications Co.**  
 Name: CIVIL SVC SYSTEM VZW 09  
 WO: 2015-01  
 Exch: ALL  
 Route: 2015 VZW SITES  
 ROW:  
 Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Drawing Not to Scale  
 Sheet 8 of 10



Exhibit D  
September 16, 2015



← CIVIL SVC  
SYS VZW 08

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twsp:

TERM#	ED	BFO	I	BFOV ( ' )	BHF(36x48x36)T	BM2	BM2B	BM53F	BM( )DP	BM( )P	BM72	HEFO( )	HO	W( )	W( )		
TOTAL		0		0		0		0		0		0		0		0	0

As Staked  
Metro Communications Co.  
Name: CIVIL SVC SYSTEM VZW 08  
WO: 2015-01  
Exck: ALL  
Route: 2015 VZW SITES  
ROW:  
  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
  
Drawing Not to Scale  
Sheet 9 of 10



Exhibit D  
September 16, 2015  
330

State: ILLINOIS  
County: CHAMPAIGN  
Range:  
Twp: 660



0

← CIVIL SVC  
SYS VZW 09

PARKING  
LOT



750'  
OF CABLE

PROPOSED  
8' WIDE  
UTILITY EASEMENT  
FROM COMPOUND TO RAW

**CML SERVICE SYSTEM VZW**

CROWN CASTLE INC.  
CROWN BUS # 624835  
SITE ADDRESS: 1806 PHILO RD \\  
1802 COLORADO AVE  
URBANA, IL. 61810  
SITE NAME: J&B VENTURES RAWLAND  
FCC # 1280803  
COLO W SPRINT & T-MOBILE  
T-MOBILE TOWERS  
SITE # CH39891A

VZW SITE NAME:  
CML SERVICES  
LOCATION # 288891

ΔX  
T BE

X BE X BE

8'

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

As Staked  
Metro Communications Co.  
Name: CIVIL SVC SYSTEM VZW 10  
WO: 2015-01  
Eck: ALL  
Route: 2015 VZW SITES  
ROW:  
Staked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Revised By: \_\_\_\_\_ Date: \_\_\_\_\_  
Plowed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tabbed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Drawing Not to Scale  
Sheet 10 of 10

