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2011R16624

RECORDED ON

08/16/2011 04:20:26PM

CHAMPAIGN COUNTY

RECORDER

BARBARA A. FRASCA

REC FEE: 26.00

RHSPS Fee:

REV FEE:

PAGES 5

PLAT ACT: 0

PLAT PAGE:

6

## Recording Cover Sheet

ORDINANCE NO. 2011-08-102

AN ORDINANCE APPROVING A FIRST AMENDMENT TO AN AGREEMENT FOR USE OF RIGHT-OF-WAY WITH WINDSTREAM KDL, INC. (NEW LINCOLN AVENUE CONSTRUCTION BOUNDARY)

(AGREEMENT ATTACHED)

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

19  
Phyllis D. Clark, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

ORDINANCE NO. 2011-08-102

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO AN AGREEMENT  
FOR USE OF RIGHT-OF-WAY WITH WINDSTREAM KDL, INC.**

(New Lincoln Avenue Construction Boundary)

WHEREAS, the parties hereto did on the 16th of May 2011, pursuant to Ordinance No. 2011-04-031, enter into an agreement to allow Windstream KDL, Inc. ("Windstream") to install fiber optic cables both above ground and below ground within the certain rights-of-way of the City of Urbana ("City"); and

WHEREAS, Windstream 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 a new construction boundary for the Lincoln Avenue right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The amendment to the prior agreement, as reflected in the attached agreement entitled: "First Amendment to an Agreement for Use of Right-Of-Way between the City of Urbana and Windstream KDL, Inc." is hereby authorized and approved.

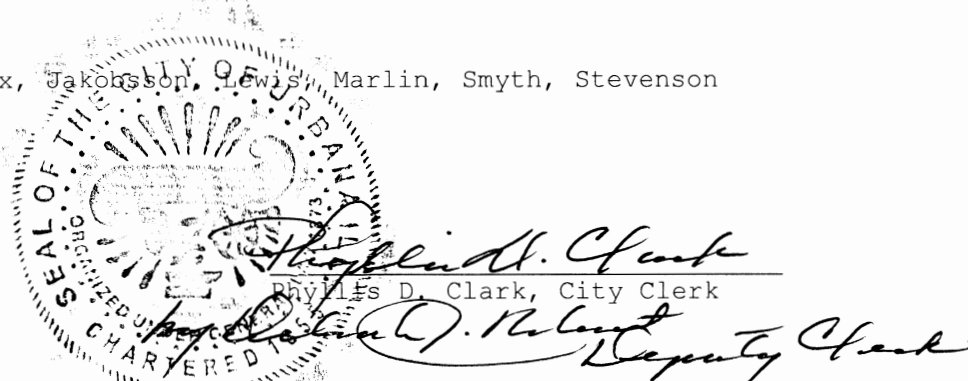
Section 2. The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said amendment as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this 1st day of August,  
2011.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Smyth, Stevenson

NAYS:

ABSTAINS:



APPROVED by the Mayor this 8th day of August,  
2011.

Laurel Lunt Prussing  
Laurel Lunt Prussing, Mayor  
By: Charles A. Smyth, Mayor Pro-tem

**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 WINDSTREAM KDL, INC.  
(new Lincoln Avenue construction boundary)**

THIS FIRST AMENDMENT is entered into by and between the City of Urbana, Illinois (hereinafter "City") and Windstream KDL, Inc. (hereinafter "the Company").

The City and the Company mutually agree to the following amendment to the Agreement for Use of Right-of-Way (hereinafter "Agreement"), authorized by Ordinance No. 2011-04-031, and entered into on May 16, 2011:

Exhibit A of the Agreement, dated September 20, 2010, is hereby replaced with a revised Exhibit A, dated July 26, 2011, designating a new construction boundary for Lincoln Avenue. A copy of the revised Exhibit A is attached to this First Amendment and is made a part of the Agreement.

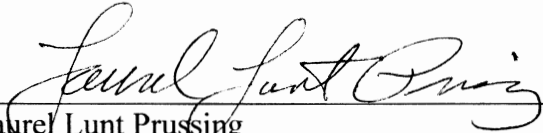
All other terms and conditions of the Agreement remain in full force and effect.

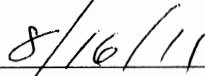
This First Amendment shall take effect upon execution by the City and the Company.

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

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

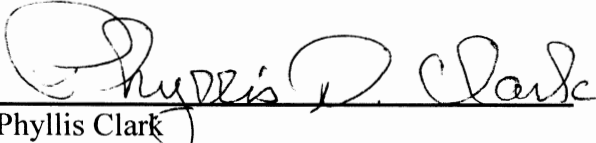
**City of Urbana, Illinois:**

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

  
\_\_\_\_\_  
Date

*First Amendment to Agreement for Use of Right-of-Way made between the City of Urbana,  
Illinois and Windstream KDL, Inc.*

**ATTEST:**

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

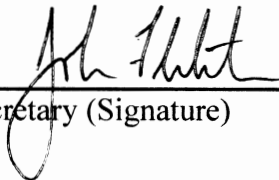
**Windstream KDL, Inc.:**

  
\_\_\_\_\_  
Name

08-09-2011  
\_\_\_\_\_  
Date

Title VP - ILEC PLN + ENG.  
\_\_\_\_\_

**ATTEST:**

  
\_\_\_\_\_  
Secretary (Signature)

\_\_\_\_\_  
John Fletcher

