

6



8 0 3 6 5 5 0
Tx:4016123

Recording Cover Sheet

ORDINANCE NO. 2012-09-086

AN ORDINANCE APPROVING A THIRD AMENDMENT TO AN AGREEMENT FOR USE OF RIGHT-OF-WAY BETWEEN THE CITY OF URBANA AND WINDSTREAM KDL, INC. (WEST KENYON ROAD, WEST KILLARNEY STREET, NORTH LINCOLN AVENUE, AND WEST BRADLEY AVENUE)

2012R24047
REC ON: 09/21/2012 12:36:00 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 27.00
PAGES 6
PLAT ACT: 0 PLAT PAGE:

[AGREEMENT ATTACHED]

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

(5)

Return to:

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

ORDINANCE NO. 2012-09-086

AN ORDINANCE APPROVING A THIRD AMENDMENT TO AN AGREEMENT FOR USE OF RIGHT-OF-WAY BETWEEN THE CITY OF URBANA AND WINDSTREAM KDL, INC.

(West Kenyon Road, West Killarney Street, North Lincoln Avenue, and West Bradley Avenue)

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 a third amendment to said agreement to authorize an additional construction boundary for the West Kenyon Road, West Killarney Street, North Lincoln Avenue, and West Bradley Avenue rights-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: "Third Amendment to an Agreement for Use of Right-Of-Way between the City of Urbana and Windstream KDL, Inc. (West Kenyon Road, West Killarney Street, North Lincoln Avenue, and West Bradley Avenue)" 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.

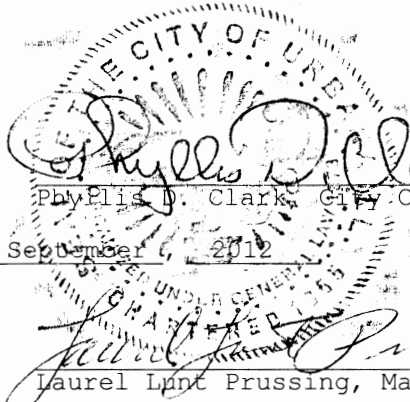
PASSED BY THE CITY COUNCIL this 17th day of September, 2012.

AYES: Bowersox-Johnson, Jakobsson, Lewis, Marlin, Roberts, Smyth, Stevenson

NAYS:

ABSTAINED:

APPROVED BY THE MAYOR this 18th day of September, 2012



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Laurel Lynn Prussing
Laurel Lynn Prussing, Mayor

After recording return to:

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

**THIRD AMENDMENT TO AGREEMENT FOR USE OF RIGHT-OF-WAY MADE
BETWEEN THE CITY OF URBANA, ILLINOIS, AND WINDSTREAM KDL, INC.
(West Kenyon Road, West Killarney Street, North Lincoln Avenue, and West Bradley
Avenue)**

THIS THIRD 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 D of the Agreement, dated March 16, 2012, is hereby replaced with a revised Exhibit D, dated August 22, 2012, designating a new construction boundary for West Kenyon Road, West Killarney Street, North Lincoln Avenue, and West Bradley Avenue. A copy of the revised Exhibit D is attached to this Third Amendment and is made a part of the Agreement.

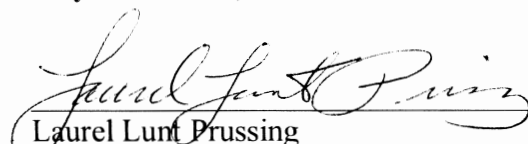
All other terms and conditions of the Agreement remain in full force and effect.

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

This Third 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 Third Amendment as of the dates shown.

City of Urbana, Illinois:

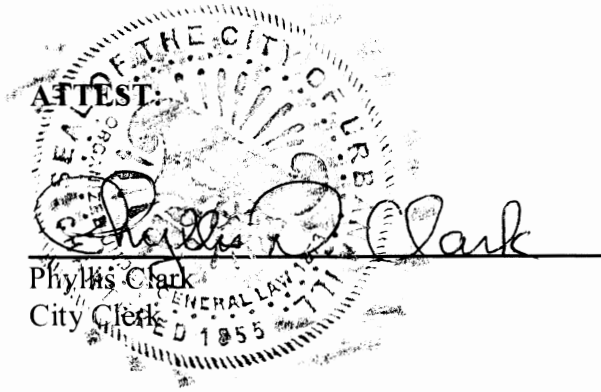


Laurel Lunt Prussing
Mayor



Date

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



Windstream KDL, Inc.:

Bill Bellando
Bill Bellando
SVP-Network Engineering

9/4/12
Date

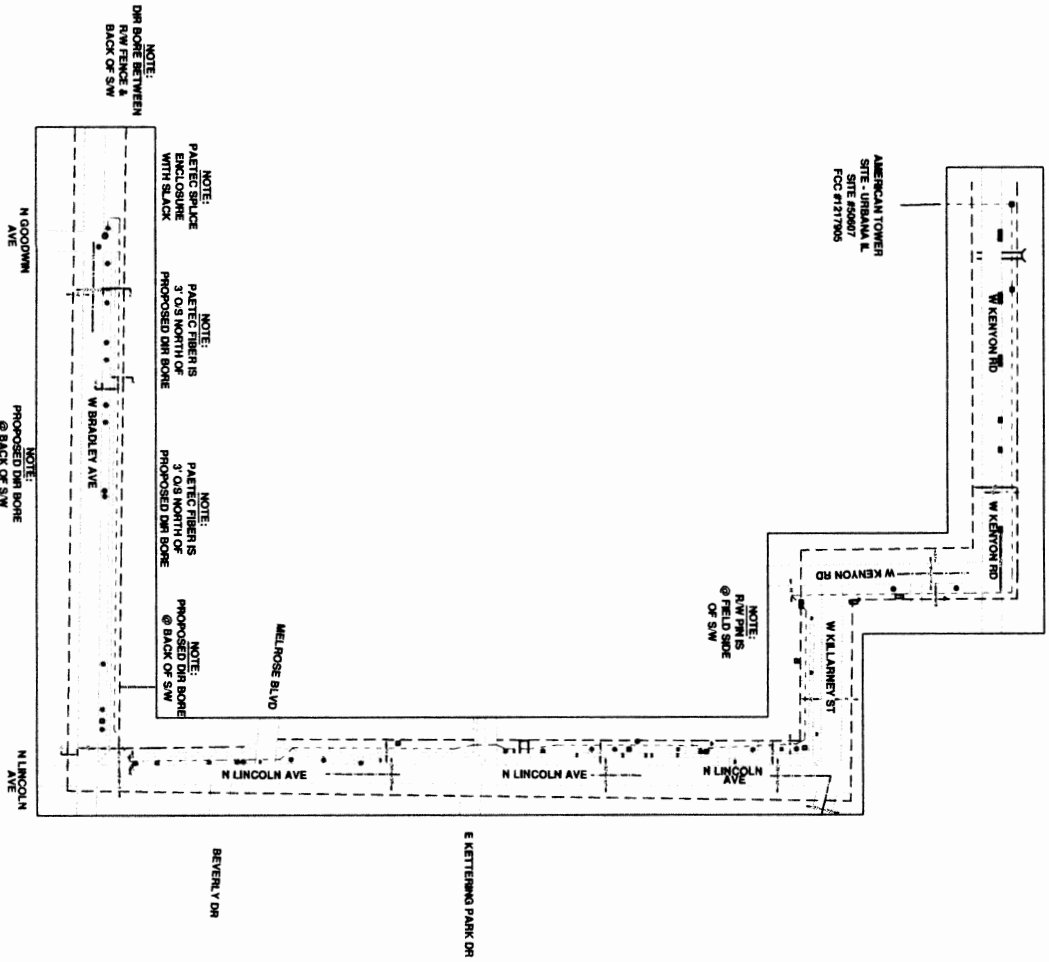
ATTEST:

Karen S. McNeal
Signature

Executive Secretary
Title

--- EXISTING RIGHT OF WAY
 --- PROPOSED CONSTRUCTION BOUNDARY

EXHIBIT D LEGEND



NOTE:
 DMR BORE WITH
 R/W FENCE &
 BACK OF SW

NOTE:
 PAETEC SP/LICE
 ENCLOSURE
 WITH SLACK

NOTE:
 PAETEC FIBER IS
 3' 0.8" NORTH OF
 PROPOSED DMR BORE

NOTE:
 PAETEC FIBER IS
 3' 0.8" NORTH OF
 PROPOSED DMR BORE

NOTE:
 PROPOSED DMR BORE
 @ BACK OF SW

NOTE:
 R/W F/W IS
 @ FIELD SIDE
 OF SW

N GOODWIN
 AVE

NOTE:
 PROPOSED DMR BORE
 @ BACK OF SW

N LINCOLN
 AVE

BEVERLY DR

E KETTERING PARK DR

MELROSE BLVD

N LINCOLN AVE

N LINCOLN AVE

N LINCOLN AVE

W KELLAM ST

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

W KENYON RD

EXHIBIT D

ROUTE: #718625164
 PROJECT: VZW SP 174 URBANA, IL
 LOCATION: URBANA, CHAMPAIGN CO., IL

THIS PRINT AND DESIGN ARE
 THE SOLE PROPERTY OF
 WINDSTREAM KDL, INC.
 AND SHALL BE CONSIDERED
 CONFIDENTIAL. THIS PRINT
 MAY NOT BE REPRODUCED IN
 ANY MANNER WITHOUT THE
 WRITTEN CONSENT OF
 WINDSTREAM KDL, INC.
 AND SHALL BE RETURNED
 UPON REQUEST.

WINDSTREAM KDL, INC.
 3701 COMMUNICATIONS WAY
 EVANSVILLE, IN 47715 (800) 706-5690

DATE:	8/22/17
SCALE:	N/A
FILE NAME:	CONSTRUCTION SKETCHES
PROJECT:	#718625164
SHEET:	1
TOTAL SHEETS:	1

Summary of Comments on O:\MY PROJECTS\718625164 \718625164_VZW SP I74 Urbana, IL_REV 1 SET SHEET (EXH D) (1)

Page: 1

Number: 1 Author: e0150079 Subject: Sticky Note Date: 8/23/2012 8:15:11 AM

FIBER TO BE BURIED ENCASED IN 1-1/4" HDPE @ MINIMUM DEPTH OF 36 INCHES USING THE DIRECTIONAL BORE METHOD OF PLACEMENT.