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# Recording Cover Sheet

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)

(Agreement Attached)

**2013R04213**  
REC ON: 02/20/2013 2:44:00 PM  
CHAMPAIGN COUNTY  
**BARBARA A. FRASCA, RECORDER**  
REC FEE: 27.00  
PAGES 6  
PLAT ACT: 0 PLAT PAGE:

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

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

**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, 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 4th day of February,  
2013.

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

NAYS:

ABSTAINS:

  
*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
*by [Signature]*  
Deputy Clerk

APPROVED by the Mayor this 8th day of February,  
2013.

*Laurel Lunt Prussing*  
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.

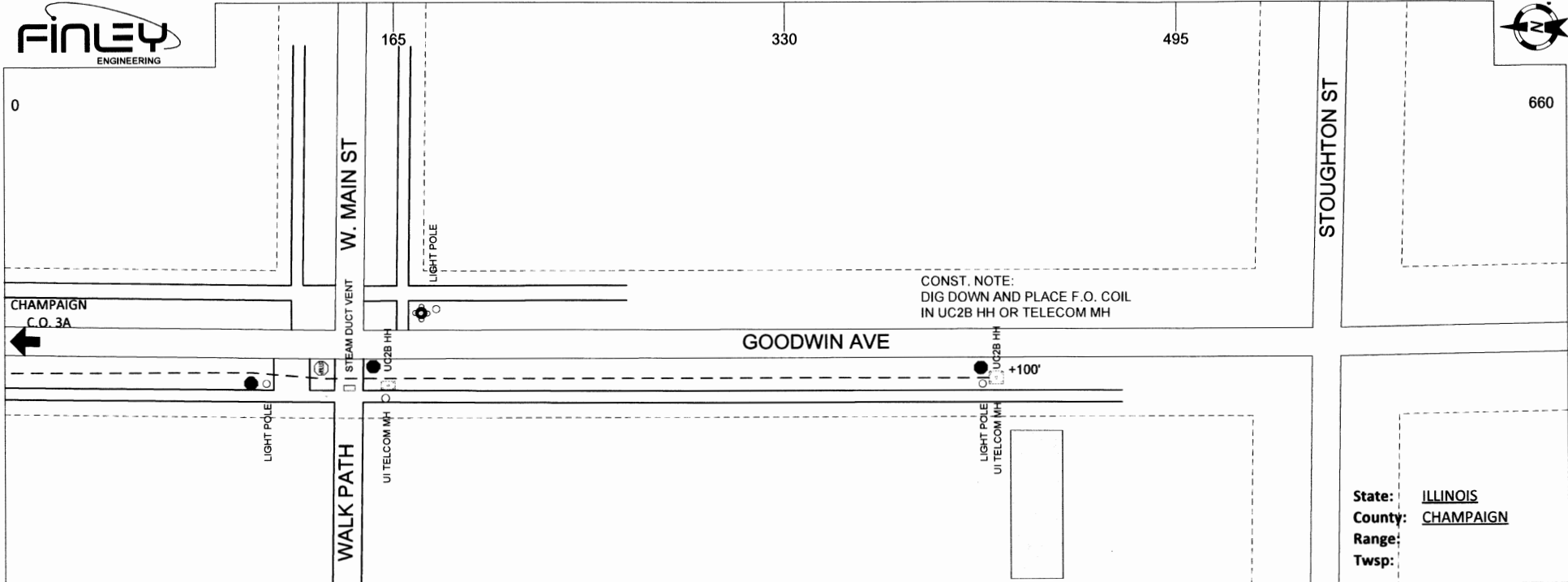
All other terms and conditions of the Agreement remain in full force and effect.

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*







State: ILLINOIS  
 County: CHAMPAIGN  
 Range:  
 Twsp:

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

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