

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.

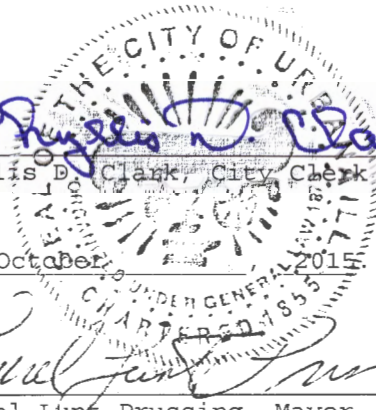
PASSED BY THE CITY COUNCIL this 5th day of October, 2015.

AYES: Ammons, Brown, Madigan, Marlin, Smyth

NAYS:

ABSENT:

ABSTAINED:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 8th day of October, 2015.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor

7N



8 2 3 1 6 8 9
Tx:4090419

This instrument was prepared by:

Curt Borman
Assistant City Attorney
City of Urbana
400 S. Vine Street
Urbana, IL 61801

2017R18405
REC ON: 09/27/2017 12:00:06 PM
CHAMPAIGN COUNTY
MARK SHELDEN
REC FEE: 51.00
PAGES 7
PLAT ACT: OPLAT PAGE:

(G)

Mail recorded document to:

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

City of Urbana - Champaign County

AMENDMENT NO. 1 TO RIGHT-OF-WAY LICENSE AGREEMENT

Metro Communications Company, Inc.
c/o MCC Network Services
P.O. Box 555
Sullivan, Illinois 61951-2069

AMENDMENT NO. 1 TO RIGHT-OF-WAY LICENSE AGREEMENT

Metro Communications Company, Inc., a Missouri corporation ("Company"), and the City of Urbana, an Illinois municipal corporation ("City"), mutually agree to the following amendments to the Right-of-Way License Agreement entered into on May 11, 2017:

1. Paragraph 1, "Grant of license," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

1. **Grant of license.** The City hereby grants and the Company hereby accepts a nonexclusive, nontransferable, nonassignable, and revocable license to construct, maintain, operate, repair, and remove a facility ("Facility") consisting of two 1-inch HPDE conduits with 96-count Commscope fiber and underground handholes, as described in Exhibit A-1 ~~A~~ and shown in Exhibit B-1, ~~B~~, within the public right-of-way ("Licensed Property") designated in Exhibit C-1, ~~C~~.

2. Paragraph 10, "Indemnification," is hereby replaced in its entirety by the following:

10. **Indemnification.** The Company shall indemnify and defend the City, its officers, employees, and agents against all claims, liability, or damage, including without limitation reasonable attorney's fees and costs, arising from or in any way related to the Company's construction, maintenance, operation, repair, or removal of the Facility, except to the extent caused by the gross negligence or willful misconduct of the City, its officers, employees, or agents. This section will survive the termination of this agreement.

3. Exhibits A-1, B-1, and C-1 are 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 Company and the City.

[Signature page follows]

The parties are signing this agreement on the dates indicated below their signatures.

Metro Communications Company, Inc.

City of Urbana, Illinois

By: Jolene Wright
Jolene Wright
Permit Coordinator
Date: September 18, 2017

By: Diane Wolfe Marlin
Diane Wolfe Marlin
Mayor
Date: September 25, 2017

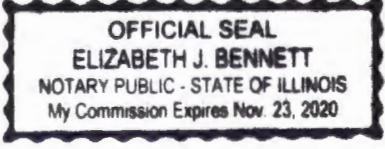
Attest:

Charles A. Smyth
Charles A. Smyth
City Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF MOULTRIE)

I, the undersigned, a notary public in and for the said County, in the State aforesaid do hereby certify that Jolene Wright, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument in her capacity as the duly authorized Permit Coordinator of Metro Communications Company, Inc. as her free and voluntary act, and the free and voluntary act of Metro Communications Company, Inc., for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 18 day of September 2017.



Elizabeth J. Bennett
Notary Public

- Attachments: Exhibit A-1 Path description (1 page)
 Exhibit B-1 Segment maps (2 pages)
 Exhibit C-1 Licensed Property (1 page)

Path Descriptions – Exhibit A-1

Path A-1

Path A-1 includes two 1-inch HPDE conduits with 96 count Commscope fiber that start at an existing handhole (40° 6'28.86"N -88°12'17.95"W) on South Vine Street just north of its intersection with East Oregon Street. The path proceeds south to a new handhole (40° 6'27.76"N -88°12'18.00"W) at the northwest corner of South Vine Street and East Oregon Street. The path then turns west and runs to a new handhole (40° 6'27.07"N -88°12'22.08"W) at the northeast corner of East Oregon Street and South Walnut Street. The path continues north on the east side of the South Walnut Street to a new handhole (40°6'30.52"N -88°12'22.29"W) at the northeast corner of South Walnut Street and East California Avenue. The path proceeds west on the north side of East California Avenue to a new handhole (40° 6'30.33"N -88°12'37.29"W) at the northwest corner of West California Avenue and South Cedar Street. The path then turns and runs north on the west side of South Cedar Street to a new handhole (40° 6'42.37"N -88°12'37.53"W) on South Cedar Street north of the intersection of South Cedar Street and West Elm Street. The path will then cross South Cedar Street to end at the right-of-way adjacent to the Busey Bank property at 201 West Main Street.

Path B-1

Path B-1 includes two 1-inch HDPE conduits with 76 count Commscope fiber that starts at an existing handhole (40° 5'41.63" -88° 11' 26.13") at the northeast intersection of South Philo Road and East Colorado Avenue. The path travels south on the east side of South Philo Road to a handhole (40° 5' 26.76" -88°11' 25.59") located in the northeast corner of the intersection of South Philo Road and East Mumford Drive. The path continues south to a handhole (40° 5' 14.99" -88° 11'25.59") located in the northeast corner of the intersection of South Philo Road and Amber Lane. The path continues south to a handhole (40° 5'32.44" -88° 11' 25.43") located at the entrance to First Financial Bank at 2510 South Philo Road.

The paths also include suitable underground handholes as needed to meet reasonable customer and network management needs in the least intrusive manner feasible. Standard depth for the buried utility is at least thirty-six (36) inches below finished grade. Aboveground pedestals are not allowed under this license agreement.



Metro Communications Co
Exhibit "A-1" - Path maps
License Agreement



Legend

- Right of Way
- Urban 2014.jpg
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Metro Communications Proposed Fiber Expansion



- Legend**
- Right of Way
 - Metro Communications Proposed Fiber Expansion

Metro Communications Co
Exhibit "B-1" - Segment maps
License Agreement



Licensed Property – Exhibit C-1

South Vine Street from East California Avenue to East Oregon Street

East Oregon Street from South Vine Street to South Walnut Street

South Walnut Street from East Oregon Street to East California Avenue

East and West California Avenue from South Walnut Street to South Cedar Street

South Cedar Street from West California Avenue to West Main Street

South Philo Road from East Colorado Avenue to East Windsor Road

23N



8 1 5 5 0 0 6
Tx:4061629

Recording Cover Sheet

2015R19965
REC ON: 10/14/2015 3:12:36 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 62.00
PAGES 23
PLAT ACT: 0PLAT PAGE:

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
[Ord. 2015-09-1011]

Prepared for recording by:

Phyllis D. Clark, City Clerk

400 S. Vine Street, Urbana, IL 61801

(G)

Return to:

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

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
Zachary Horn
President
Date: 9-18-15


By: Laurel Lunt Prussing
Laurel Lunt Prussing
Mayor
Date: 10/9/15

Attest:

Attest:

Elizabeth Bennett
Elizabeth Bennett
Secretary

Phyllis Clark
Phyllis Clark
City Clerk



Attachments: Exhibit A-1
Exhibit C
Exhibit D

Written description
Race Street segment maps
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.

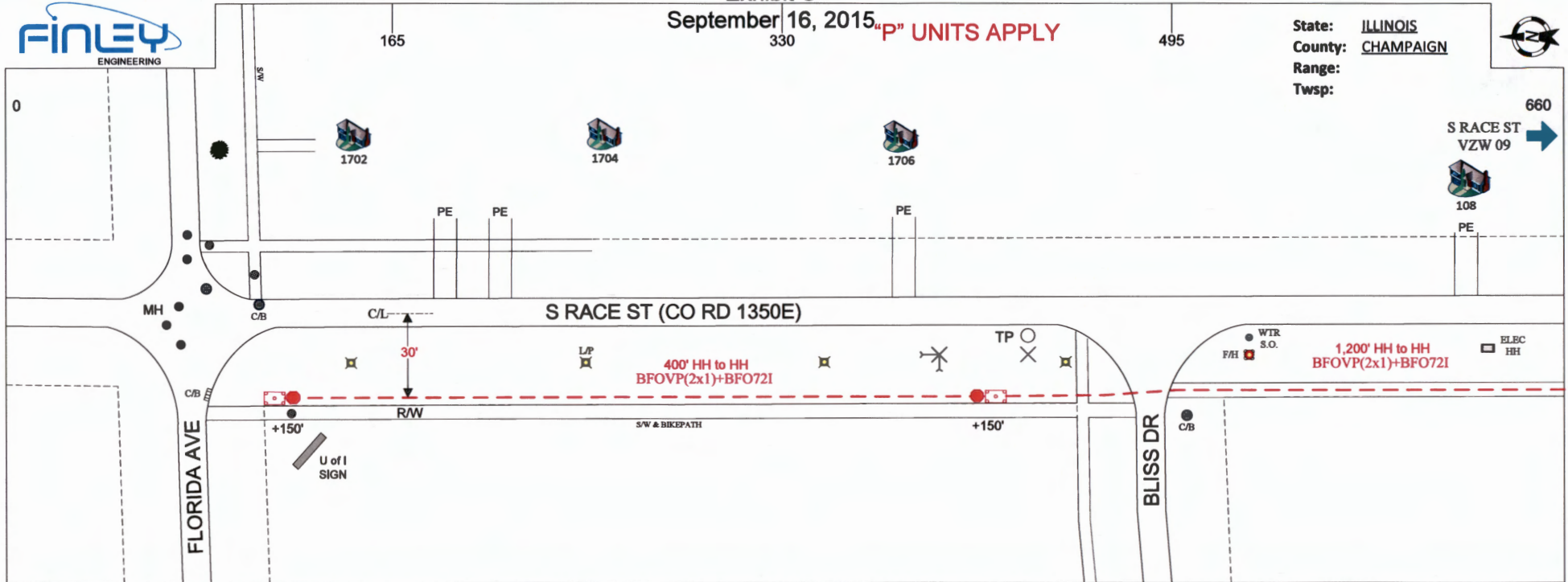
Philo Road Segment

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 "P" UNITS APPLY
 330 495

State: ILLINOIS
 County: CHAMPAIGN
 Range:
 Twsp:



TERM#	BD	BFO	I	BFO((")	BHF(36x48x36)T	BM2	BM2B	BM53F	BM()DP	BM()P	BM72	HBFO()	HO	W()	W()		
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As Staked
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 Exch: ALL
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 Tabbed By: _____ Date: _____
 Drawing Not to Scale
 Sheet 8 of 18

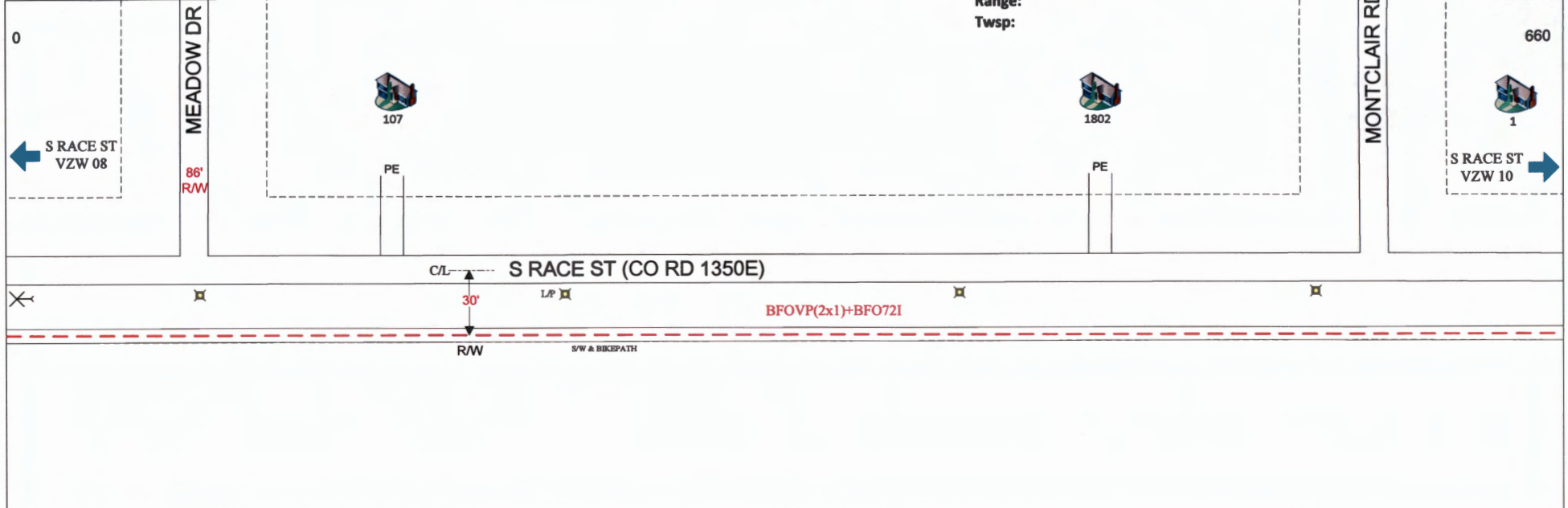


Exhibit C

September 16, 2015

"P" UNITS APPLY

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()	
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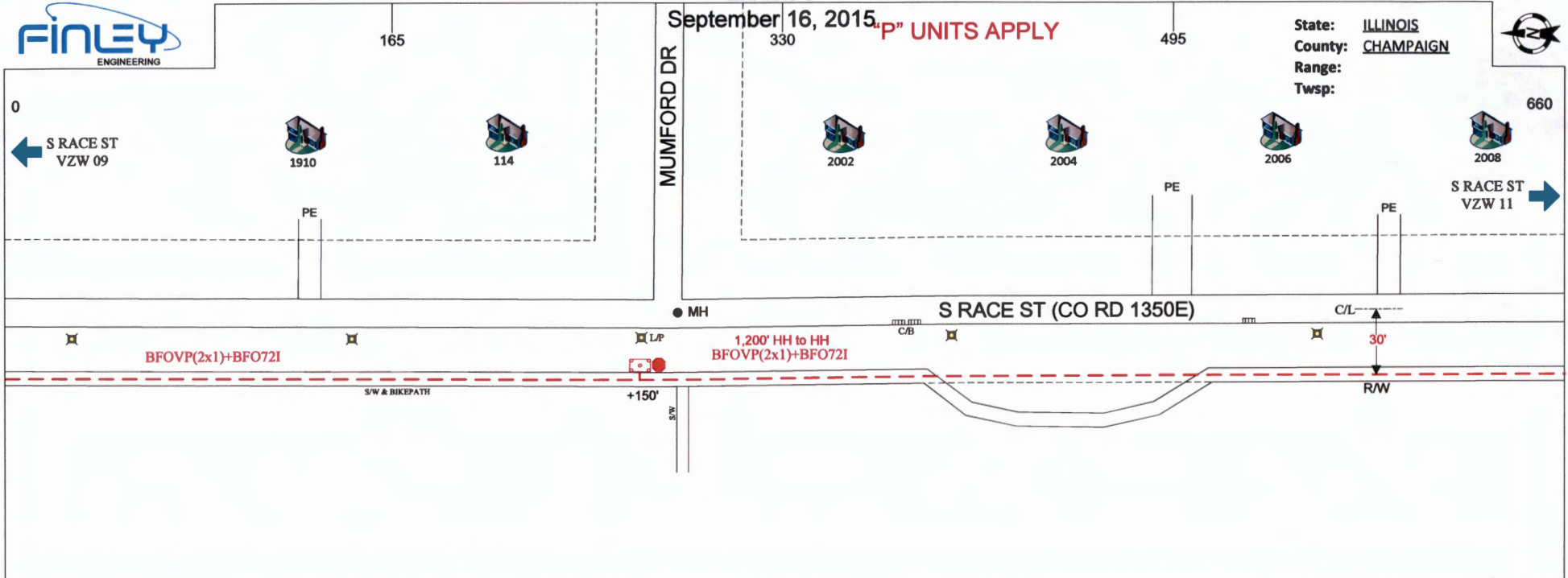
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 Drawing Not to Scale
 Sheet 9 of 18



Exhibit C

September 16, 2015 "P" UNITS APPLY

State: ILLINOIS
 County: CHAMPAIGN
 Range:
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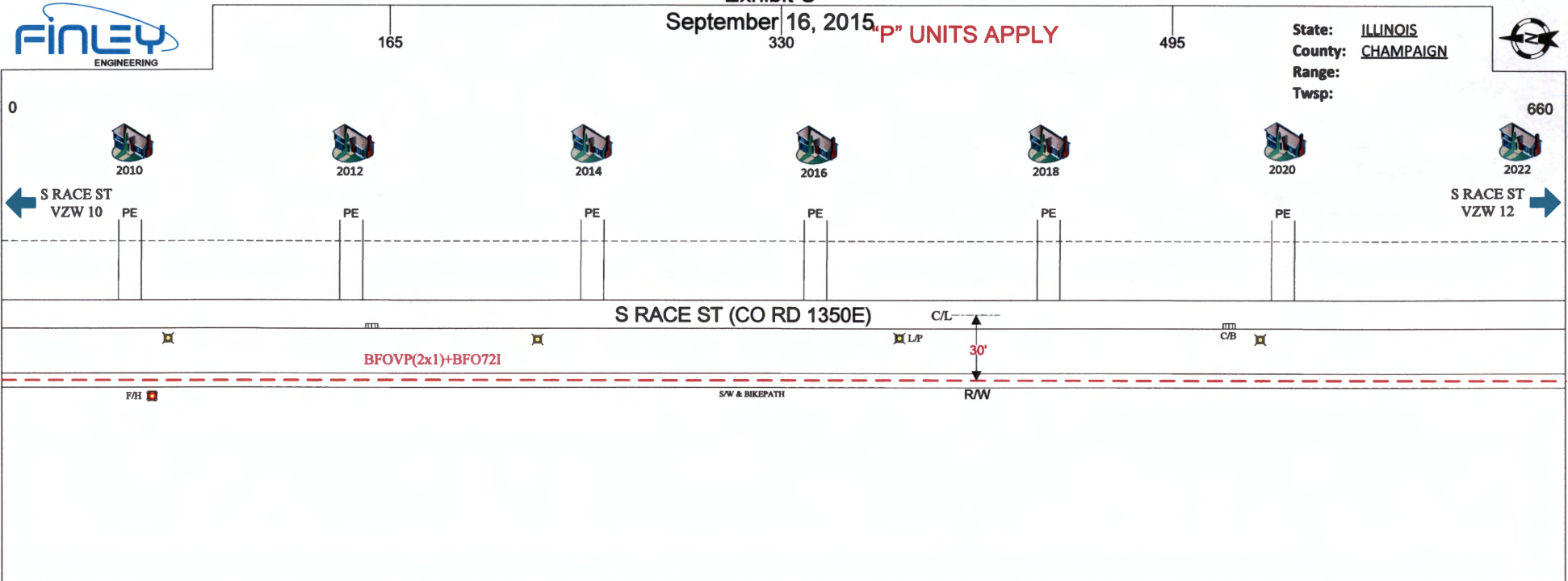
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Sheet	10	of	18
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Exhibit C
September 16, 2015 "P" UNITS APPLY

State: ILLINOIS
County: CHAMPAIGN
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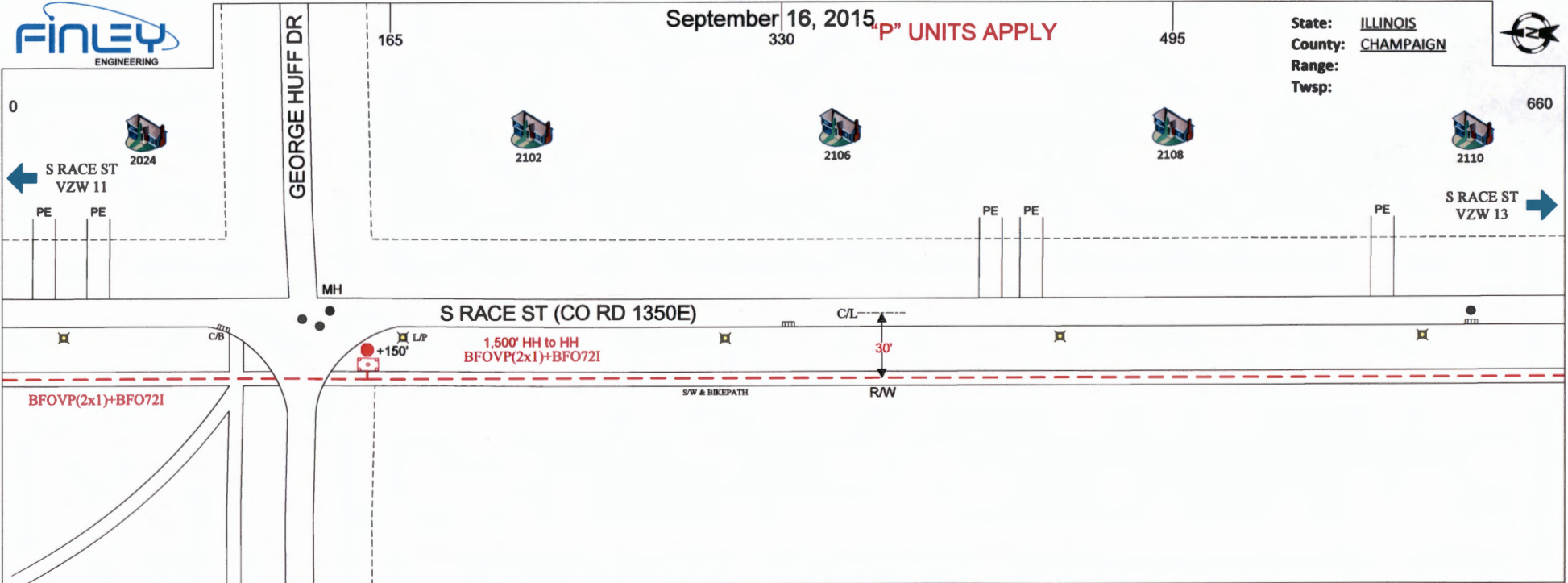
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Drawing Not to Scale
Sheet 11 of 18



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

State: ILLINOIS
 County: CHAMPAIGN
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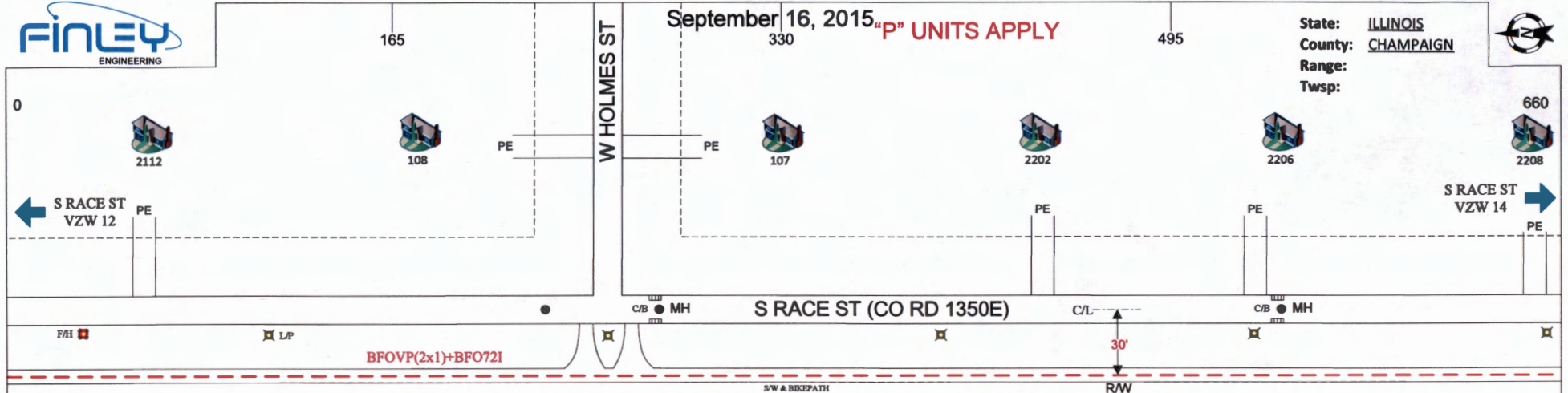
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Drawing Not to Scale
 Sheet 12 of 18



Exhibit C

September 16, 2015 "P" UNITS APPLY

State: ILLINOIS
 County: CHAMPAIGN
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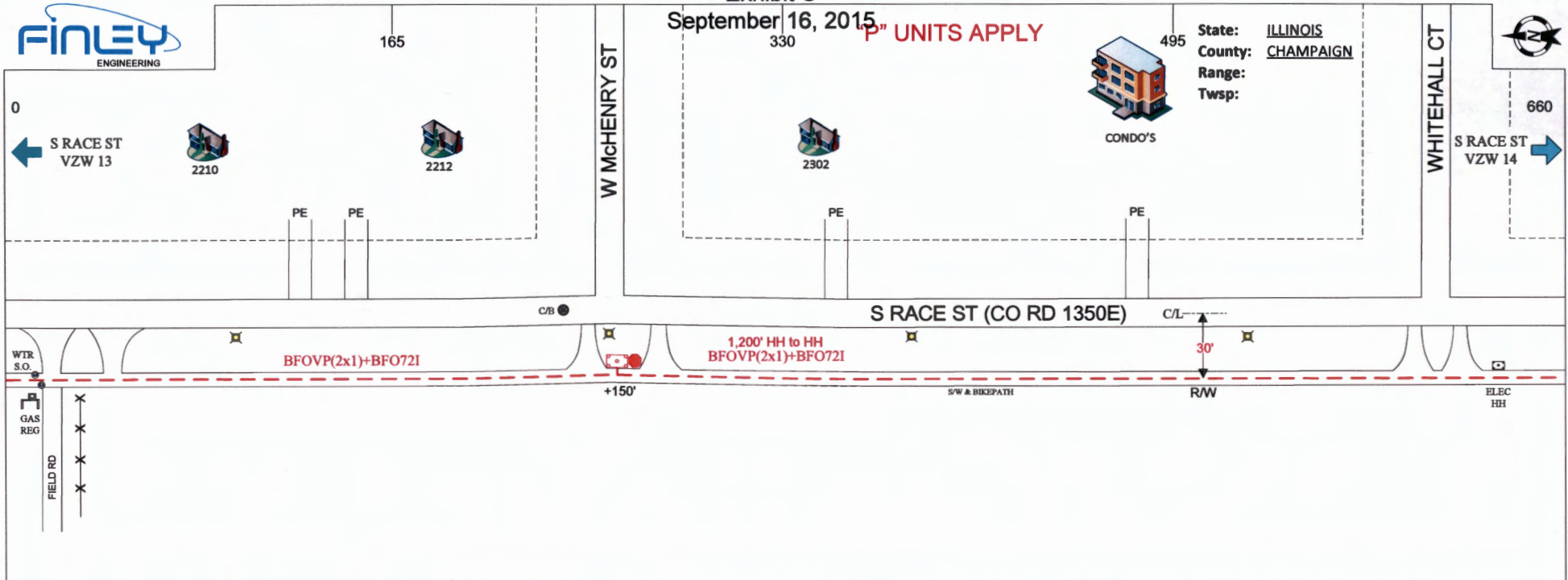


Exhibit C

September 16, 2015

6" UNITS APPLY

State: ILLINOIS
 County: CHAMPAIGN
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 ROW:

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Drawing Not to Scale

Sheet	14	of	18
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Exhibit C
September 16, 2015
330 "P" UNITS APPLY

State: ILLINOIS
County: CHAMPAIGN
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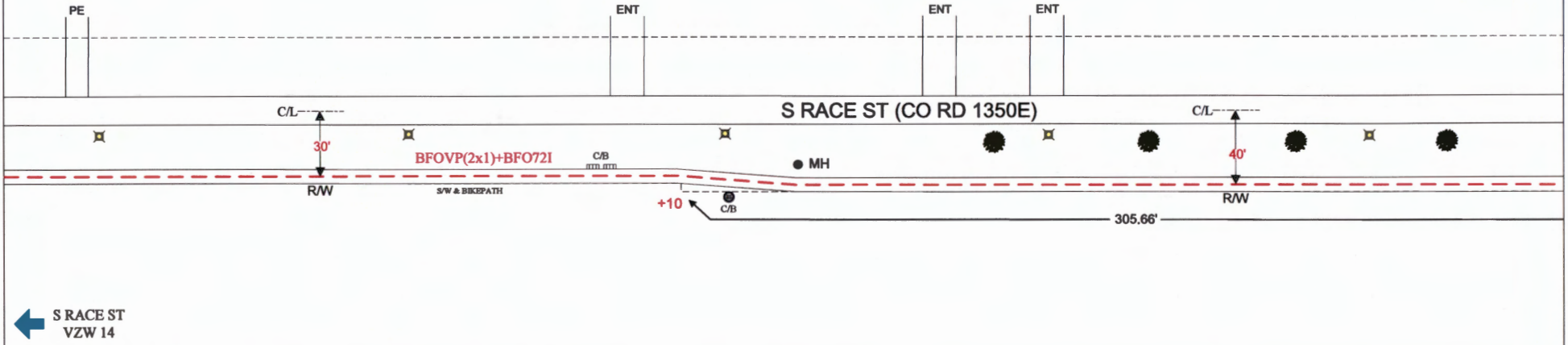
2502
STONE CREEK
CHURCH



PARKING
LOT

660

S RACE ST
VZW 16 →



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 Sheet 15 of 18

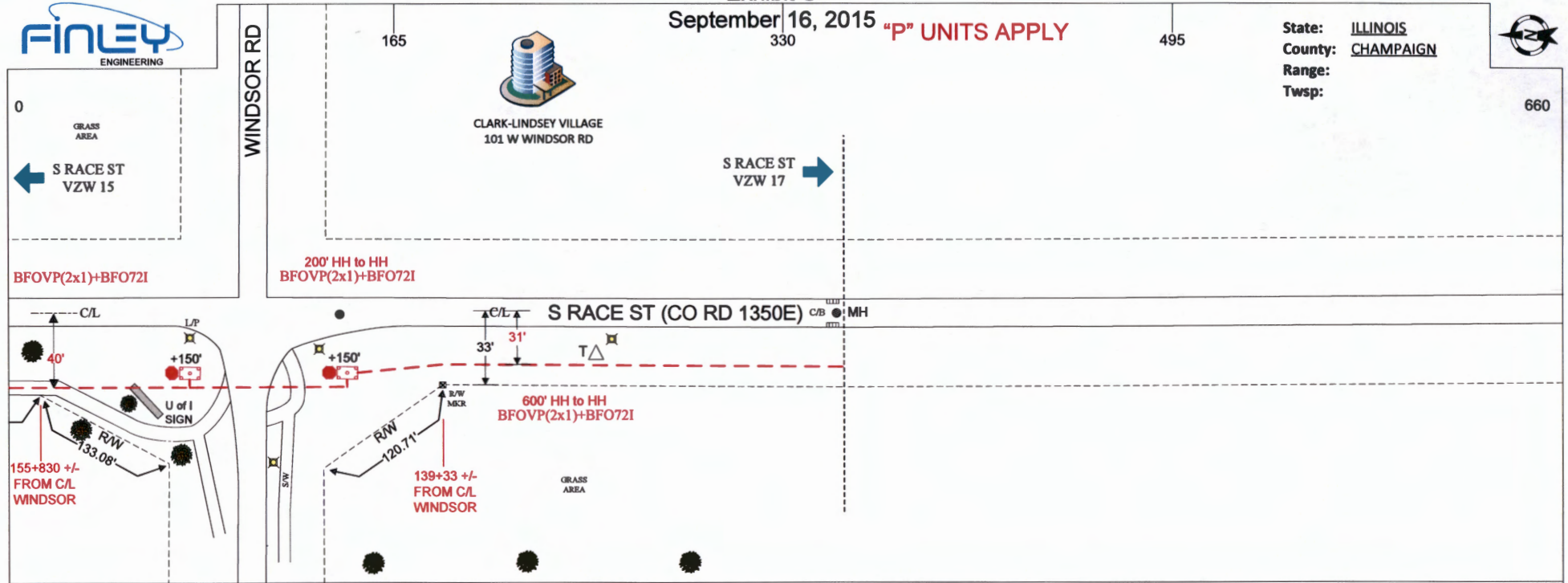
Exhibit C
 September 16, 2015 "P" UNITS APPLY



State: ILLINOIS
 County: CHAMPAIGN
 Range:
 Twsp:



660



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 WO: 2015-01
 Exch: ALL
 Route: 2015 VZW SITES
 ROW:
 Staked By: _____ Date: _____
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 Drawing Not to Scale

Sheet	16	of	18
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VILLAGE GARAGES

ENT

CO RD 1350E

165

S RACE ST
VZW 18

Exhibit C
September 16, 2015
330

APPROX.
1400'
TO COMPOUND

495

TRUCK AREA

660



PROPOSED
10' WIDE
UTILITY EASEMENT

+150'

BFOVP(2x1)+BFO7ZI

PE

31'
33'

S RACE ST
VZW 16

State: ILLINOIS
County: CHAMPAIGN
Range:
Twp:

"P" UNITS APPLY

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: S RACE ST VZW 17
WO: 2015-01
Exch: ALL
Route: 2015 VZW SITES
ROW:

Staked By: _____ Date: _____
Revised By: _____ Date: _____
Plowed By: _____ Date: _____
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Drawing Not to Scale

Sheet	17	of	18
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Imagery ©2015 Google, Map data ©2015 Google 500 ft



Exhibit D

September 16, 2015

"P" UNITS APPLY

165

330

State: ILLINOIS
 County: CHAMPAIGN
 Range:
 Twsp:

495



660

0

E FLORIDA AVE

PHILO RD

CIVIL SVC
 SYS VZW 07

MARATHON
 GAS



400' HH to HH
 BFOVP(2x1)+BFO72I

SPRINT
 RETAIL STORE



TERM#	BD	BFO	I	BFOV (")	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: CIVIL SVC SYSTEM VZW 06
 WO: 2015-01
 Exch: ALL
 Route: 2015 VZW SITES
 ROW:
 Staked By: _____ Date: _____
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 Drawing Not to Scale

Sheet	6	of	10
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Exhibit D

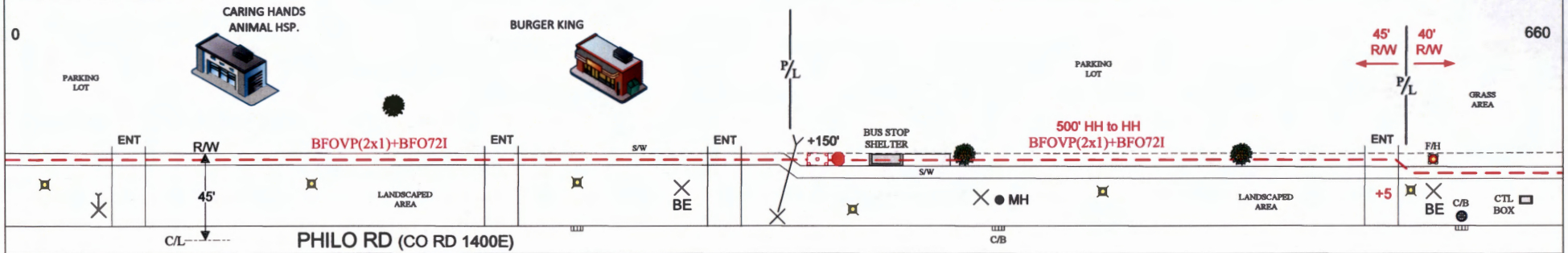
September 16, 2015

"P" UNITS APPLY

330

VERIZON WIRELESS STORE

495



CIVIL SVC
SYS VZW 06

CIVIL SVC
SYS VZW 08



State: ILLINOIS
County: CHAMPAIGN
Range:
Twsp:

"P" UNITS APPLY

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

As Staked
Metro Communications Co.
 Name: CIVIL SVC SYSTEM VZW 07
 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 7 of 10



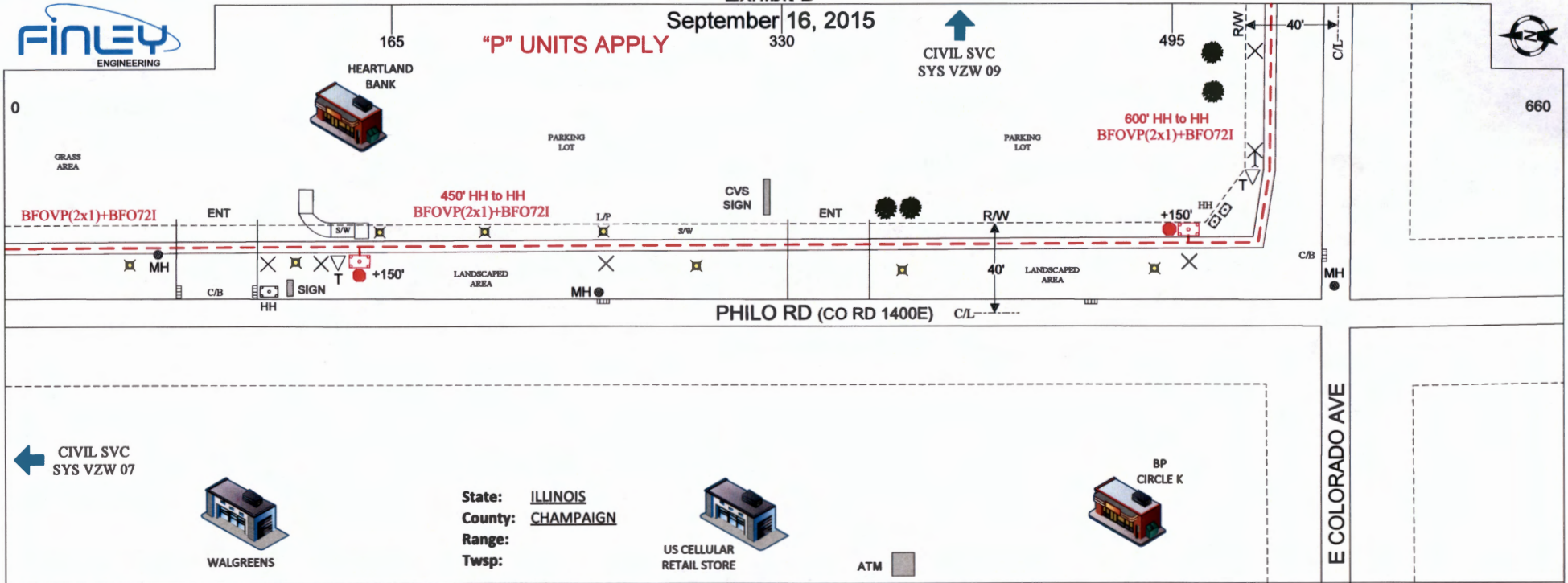
Exhibit D

September 16, 2015

"P" UNITS APPLY

330

CIVIL SVC
SYS VZW 09



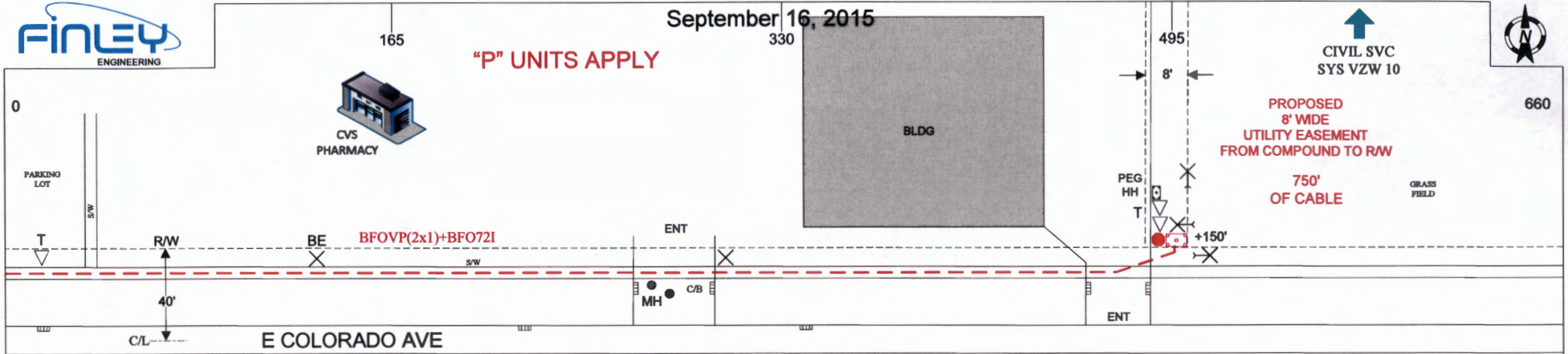
State: ILLINOIS
 County: CHAMPAIGN
 Range:
 Twsp:

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

As Staked
Metro Communications Co.
 Name: CIVIL SVC SYSTEM VZW 08
 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#	BD	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	

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 9 of 10



Exhibit D
September 16, 2015

165

"P" UNITS APPLY

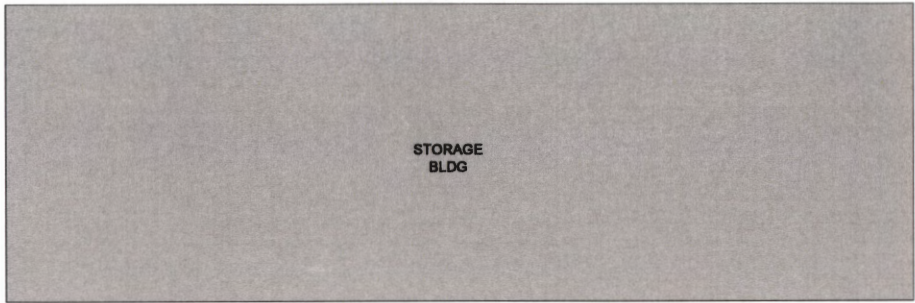
330

495

0

← CIVIL SVC
SYS VZW 09

PARKING
LOT



State: ILLINOIS
County: CHAMPAIGN
Range:
Twsp:

660

CIVIL SERVICE SYSTEM VZW

CROWN CASTLE INC.
CROWN BUS # 824835
SITE ADDRESS: 1806 PHILO RD \ 1
1602 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:
CIVIL SERVICES
LOCATION # 288891

TERM#	BD	BFO	I	BFO(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	

As Staked
Metro Communications Co.
Name: CIVIL SVC SYSTEM 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	10
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