



Legislation Details (With Text)

File #: 23-489 **Version:** 1 **Name:** Easement to Bandwidth IG
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In control: City Council
On agenda: 11/20/2023 **Final action:** 11/20/2023
Enactment date: **Enactment #:** 2023-158

Title: Adopt a Resolution to Approve and Authorize the City Manager to Execute a Grant of Easement to Bandwidth IG, LLC (Bandwidth) for Installation, Maintenance, and Use of Fiber Optic Cable and Conduits in Submerged San Francisco Bay Lands and Terrestrial Lands all within the Jurisdiction of San Leandro (APNs: 80G-910-5-2, 80G-910-4-2, 80G-900-1-7 and 80G-910-1-6)

Indexes:

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Attachments: 1. A - Resolution Bandwidth Easement, 2. B - Grant of Easement

Date	Ver.	Action By	Action	Result
11/20/2023	1	City Council	Received and Filed	Pass

Adopt a Resolution to Approve and Authorize the City Manager to Execute a Grant of Easement to Bandwidth IG, LLC (Bandwidth) for Installation, Maintenance, and Use of Fiber Optic Cable and Conduits in Submerged San Francisco Bay Lands and Terrestrial Lands all within the Jurisdiction of San Leandro (APNs: 80G-910-5-2, 80G-910-4-2, 80G-900-1-7 and 80G-910-1-6)

SUMMARY AND RECOMMENDATIONS

Staff recommends adoption of the resolution that approves a Grant of Easement to Bandwidth, for Installation, Maintenance, and Use of Fiber Optic Cable conduits in Submerged San Francisco Bay Lands and Terrestrial Lands all within the Jurisdiction of San Leandro.

BACKGROUND

The demand for faster and more broadband intensive data transmission has grown consistently for several years and will continue to grow in the future. Virtually all communications and data transmissions are converted to digital data and transmitted across fiber optic cables. As a result data transferring infrastructure, such as fiber optic cables, needs to be upgraded to keep up with technical advancements.

Bandwidth, a telecommunications provider based in Sunnyvale, California, has embarked on a project to install a fiber optic cable system across the San Francisco Bay in submerged lands between landing points in South San Francisco in San Mateo County and San Leandro in Alameda County. The fiber system will then proceed along terrestrial land in San Leandro and continue south beyond City limits.

In September 2023, the City Council approved a Lease Agreement with Bandwidth for the installation of the fiber optic cable system within City owned property. The land contemplated in the easement

encompasses approximately 7100 feet of submerged land and 1500 feet of terrestrial land. A legal description and plat of the proposed easement are included as Exhibits A and B of the attached Grant of Easement. The terms of the lease agreement include an initial rental rate of \$5 and \$8 per linear foot for submerged and terrestrial properties, respectively. Additionally, Bandwidth has agreed to install city conduits and vaults along Lewelling Boulevard and Wicks Boulevard valued at \$549,335.

Analysis

The easement will be a strip of land extending 2.5 feet on each side of the centerline of the fiber optic cable system. Precise installation of the submarine portion is impractical, so a post-construction survey will be conducted to accurately map the final location of the installation. Exhibit A will then be amended to accurately reflect the final location and easement limits. The final amended Easement Agreement will be recorded with Alameda County.

Current Agency Policies

- Place San Leandro on a firm foundation for long-term fiscal sustainability.
- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center of innovation.
- Maintain and enhance San Leandro's infrastructure.

Applicable General Plan Policies

- **Policy ED-1.10 Tax Revenues.** Encourage development that generates sales tax, property tax, and other revenues that sustain municipal services.
- **Policy ED-2.1. Business-Friendly City.** Maintain a collaborative and supportive relationship between the City and the private sector that emphasizes the ease of doing business in San Leandro.
- **Policy ED-3.2 (Economic Development) - Business Infrastructure**
Develop the infrastructure necessary to transform San Leandro into a center for innovation and creativity, including high-speed communications, sustainable energy systems, high performing utilities, and convenient access to business networks and support services.
- **Policy ED-3.4 (Economic Development) - Lit San Leandro Expansion**
Evaluate opportunities for further expansion of the Lit San Leandro fiber optic network to those parts of the city that are currently not served, including schools, public facilities, neighborhood business districts, residences, and hospitals.

Previous Actions

- On September 18, 2023 by Resolution 2023-131, the City Council approved a Lease Agreement Between the City of San Leandro and Bandwidth IG, LLC for Installation, Maintenance, and Use of Fiber Optic Cable in Submerged San Francisco Bay Lands and Terrestrial Lands all within Jurisdiction of San Leandro.

Board/Commission Review and Actions

- On September 6, 2023, the City Council Facilities and Transportation Committee received a presentation from Bandwidth IG on the proposed project and terms of the lease agreement.

Environmental Review

- A Mitigated Negative Declaration (MND) was adopted by the State Lands Commission, the lead agency of the project, on June 5th, 2023. The City is a responsible agency. The associated draft resolution makes the necessary findings related to the MND under CEQA Guidelines section 15096 for purposes of the City's action on the lease. The MND adequately addresses all environmental impacts associated with the project and the City's action.

Legal Analysis

Attachment B was reviewed and approved as to form by the City Attorney.

Fiscal Impacts

The City will receive revenue from the associated Lease Agreement with Bandwidth. No additional consideration will be provided for this Grant of Easement.

ATTACHMENTS

- Attachment A: Resolution
- Attachment B: Grant of Easement

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