



Legislation Text

File #: 19-138, **Version:** 1

RESOLUTION of the City of San Leandro City Council to Approve a License Agreement with Common Networks for City Facility Rooftop Access to Build a Residential Broadband Service in San Leandro

WHEREAS, the City of San Leandro ("City") owns facilities throughout the City; and

WHEREAS, Common Networks and the City have mutual interests in licensing access to said City facilities' to install wireless networking equipment to build a broadband network in San Leandro; and

WHEREAS, staff presents for review and City Council approval a License Agreement to grant such access; and

WHEREAS, the proposed License Agreement would not directly grant any rights to use individual City Facilities, but rather the Agreement establishes the procedures, terms and conditions under which licensees obtain individual Site Licenses; and

WHEREAS, the Agreement is a comprehensive document that contains uniform terms and conditions applicable to all City-owned Rooftop locations; and

WHEREAS, key terms and conditions of the License Agreement are:

- Term - The term of the License is five (5) years. After the initial five-year term, the License will automatically renew for subsequent 1-year terms, subject to each parties' option not to renew for any reason, with prior 180-day written notice to the other party.
- Site License Term - The term for each Site License is coterminous with the initial term or subsequent renewal terms of the License Agreement. Each Site License will remain effective only as long as the Agreement remains in effect. If the Agreement is terminated or not renewed, all Site Licenses granted pursuant to the Agreement will terminate regardless of their effective dates.
- Site License Fee - each Site License will include an annual fee, at the current fair market value, using the City's proprietary functions to license property in an amount agreeable to both parties.

NOW, THEREFORE, the City Council of the City of San Leandro hereby RESOLVES, as follows:

(1) to approve the License Agreement for City Facility Rooftop Access with Common Networks; and

(2) to authorize the City Manager to execute the License Agreement in substantially similar form as that attached hereto as Exhibit A, and any other related documents including any Site License pursuant to the License Agreement on behalf of the City, subject to approval as to form by the City Attorney; and

(3) to authorize the City Manager to take any and all actions consistent with the intention of this resolution.

Attachment(s) to Resolution

- License Agreement with Common Networks for City Facility Rooftop Access