



## Legislation Text

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**File #:** 19-139, **Version:** 1

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RESOLUTION of the City of San Leandro City Council to Approve a License Agreement with Common Networks to Access City Communications Infrastructure in Order to Build a Residential Broadband Service in San Leandro

WHEREAS, the City of San Leandro ("City") owns communications infrastructure that runs underground throughout the City; and

WHEREAS, Common Networks and the City have mutual interests that involve licensing access to said City communications infrastructure to build a residential broadband network in San Leandro; and

WHEREAS, staff drafted a License Agreement to grant such access; and

WHEREAS, the Agreement is a comprehensive document that contains uniform terms and conditions applicable to City communications infrastructure; and

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

- License Term - The term of the License is five (5) years. During this period, either party can cancel the Agreement with 180-days prior written notice to the other party. After the initial five-year term, the License will automatically renew for subsequent 1-year terms, subject to each party's option not to renew for any reason, with prior 180-day written notice to the other party.
- Dark Fiber Strands - The agreement provides Common Networks with two (2) dark fiber strands throughout the entire City network for its exclusive use.
- License Fee - The License Fee would start at \$0.03 per foot per strand per month, subject to 3% annual increases each year thereafter.

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

(1) to approve the License Agreement to Access City Communications Infrastructure 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 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 other actions consistent with the intent of this resolution.

**Attachment(s) to Resolution**

- License Agreement to Access City Communications Infrastructure with Common Networks