



## Legislation Text

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**File #:** 47012, **Version:** 2

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### **Fiscal Note**

During the month-to-month extension period, the Pilot License Fee and electrical usage cost payable under the agreement will continue to be deposited to Munis Charge Code 63039.

### **Title**

SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into an amendment to the Pilot License Agreement with Extenet Systems, Inc. allowing for a month-to-month extension of the License term.

### **Body**

WHEREAS, Extenet Systems, Inc. ("Extenet"), a third-party neutral-host DAS Network service provider, and the City of Madison are parties to a Pilot License Agreement (the "Pilot License") allowing for Extenet's installation, as a pilot project, of DAS wireless attachments on two (2) existing City-owned street light poles, one on Mineral Point Road and one on Gammon Road (collectively, the "Poles"); and

WHEREAS, the Pilot License was authorized by Resolution Enactment No. RES-15-00783, FILE ID 39537, adopted by the Common Council of the City of Madison on October 6, 2015; and

WHEREAS, the term of the Pilot License is scheduled to expire on June 6, 2017 and there are no renewal options remaining, nor does the Pilot License allow for holding over; and

WHEREAS, City staff is in the process of developing an application process and form of license agreement for DAS and small cell installations and desires to allow for an extension of the Pilot License on a month-to-month basis; and

WHEREAS, Real Estate staff has prepared and the City Attorney's office has reviewed and approved an amendment to the Pilot License allowing for such month-to-month extension.

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes an amendment to the Pilot License Agreement with Extenet Systems, Inc. ("Extenet") on the following key terms and conditions:

1. Effective on June 7, 2017, the term of the Pilot License shall automatically continue on a month-to-month basis, terminable by either party on a minimum of thirty (30) days prior written notice to the other party.
2. All other terms and conditions of the Pilot License shall apply during such month-to-month extension period, except that the Pilot License Fee and electrical usage cost shall be prorated on a monthly basis.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute a First Amendment to the Pilot License Agreement with Extenet Systems, Inc. and any and all other documents necessary to complete this transaction, in a form approved by the City Attorney.