



## Legislation Text

---

**File #: 02992, Version: 1**

---

### **Fiscal Note**

Estimated increase in general fund revenues (Account #GNO1-74401) of approximately \$38,000 per year, subject to a final lineal footage calculation. The \$500 administrative fee shall be deposited to Account No. GN01-78230.

### **Title**

Authorizing the Grant of License to the State of Wisconsin Department of Administration for installation and maintenance of private underground telecommunication facilities in City of Madison public rights-of-way.

### **Body**

WHEREAS, the State of Wisconsin Department of Administration ("DOA") is undertaking a telecommunication fiber connectivity project to increase bandwidth necessary for a fiber connection from its existing data center at 101 West Wilson Street, to its new data center to be built on a site located at 5830 Femrite Drive; and

WHEREAS, the DOA has requested that the City allow the installation of two (2) 11/2" underground interduct for fiber optic telecommunication facilities within City of Madison public rights-of-way; and

WHEREAS, the City Engineering Division has reviewed this request and approved it with conditions; and

WHEREAS, the City Real Estate Section and City Attorney's office have negotiated the terms and conditions for a Grant of License to the DOA for the installation, operation and maintenance of underground fiber optic telecommunication facilities in City of Madison public rights-of-way.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the Grant of License ("License") to the State of Wisconsin Department of Administration ("DOA") for the installation, operation and maintenance of two (2) 11/2" underground interducts for fiber optic telecommunications facilities in City of Madison public rights-of-way, as shown on attached Exhibit A, on the following terms and conditions:

1. DOA shall pay to the City a one-time administrative fee of \$500 as payment for the processing of said License.
2. The initial term of the License shall be twenty (20) years. DOA may, upon agreement of the parties, renew the License for two (2) additional ten (10) year terms, subject to the terms and conditions of the License.
3. The annual License fee for the telecommunications facilities shall be Two Dollars (\$2.00) per lineal foot. Said annual license fee shall be paid in full on the commencement date of the License and on each subsequent anniversary of the commencement date. The annual License fee shall increase annually 4% effective as of each anniversary of the commencement date of the License.
4. The primary method of construction and installation that DOA shall use is trenching and underground directional drilling.
5. The City shall not be responsible for any damage to DOA telecommunication facilities that may be caused by the City, its employees, contractors or others.
6. If the City, at its sole discretion, determines that the location of the DOA telecommunication facilities prevents or impedes the construction of a public improvement and that no reasonable alternative is available, DOA, at its own expense, shall relocate its facilities to accommodate the public improvement.
7. Upon the expiration, revocation or termination of the License, DOA shall offer said telecommunication facilities to the City for its sole use, and if said offer is refused, shall remove the facilities, at its sole cost and expense, if the City requests removal.

8. Except as otherwise provided, the City and DOA shall be responsible for the consequences of their own acts or omissions and those of its employees, boards, commissions, agencies, officers and representative and be responsible for losses, claims liabilities, which are attributable to such acts or omissions.
9. DOA may not assign the License without the prior written consent of the City. Before an assignment shall be affective, any assignee shall assume, in writing, all of the obligations of DOA's rights under the License.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute any and all documents to complete this transaction.