

TEMPORARY RESOLUTION NO. 14-21

PERMANENT RESOLUTION NO. 9-21

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ZAYO GROUP, LLC FOR THE INSTALLATION OF A FIBER OPTIC TELECOMMUNICATIONS SYSTEM AND AN AGREEMENT FOR AN INDEFEASIBLE RIGHT OF USE THEREIN

WHEREAS, Zayo Group, LLC ("Zayo") is a public utility with a current certificate (ID 300161) issued by the Public Utilities Commission of Ohio ("PUCO"); and

WHEREAS, Zayo is engaged in the construction of a fiber optic telecommunications system that extends from Washington D.C. to Columbus, Ohio; and

WHEREAS, the most direct route for the conduit containing the fiber optic telecommunications system is through the City of Lancaster, in and along public land controlled by the City; and

WHEREAS, in exchange for use of said land, Zayo will provide the City with an indefeasible right of use for twelve (12) dark fibers with nineteen (19) hand holes to access these fibers for a minimum of twenty-five (25) years; and

WHEREAS, upon completion of said system, the City agrees to pay its proportionate share of the costs of routine, non-routine, and emergency repair and maintenance as required for the continued functionality of Zayo's fiber optic telecommunications system;

THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That the Mayor is authorized to enter into a contract with Zayo for the installation of conduit and a fiber optic telecommunications system.

SECTION 2. That the Mayor is also authorized to enter into an agreement with Zayo for an indefeasible right of use in said system and to order payment for the City's proportionate share of future expenses for the repair and maintenance of Zayo's fiber optic telecommunications system.

SECTION 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: 1/11/21 after 1st reading. Vote: Yeas 8 Nays 0

Date Approved: 1/11/21

Clerk: Jessica Lee Sandy

Jacob C. Zell
President of Council

Offered by: Cory Schanone

David Scheffer
Mayor

Second by: Thomas A. James

Requested by Public Works Committee