



Albemarle County

Legislation Text

File #: 21-284, **Version:** 1

AGENDA DATE: 6/2/2021

TITLE:

Approval of Underground Right-of-Way License Agreement

SUBJECT/PROPOSAL/REQUEST: Resolution approving the Underground Right-of-Way License Agreement with Century Link Communications LLC for facilities at Darden Towe Park

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Crickenberger

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: In 2006, Qwest Communications Corporation was granted a license by Albemarle County and the City of Charlottesville to install underground fiber optic facilities across a portion of Darden Towe Park. The facilities are exclusively for governmental use as a part of a Richmond to Charlottesville link. Darden Towe Park is jointly owned by Albemarle County and the City of Charlottesville. The installation and initial operation were authorized by a five-year Underground Right-of-Way License Agreement that ran from 2006 to 2010. In both 2011 and 2016, the County and the City approved a new five-year license agreement that ran through the end of 2015 and 2020, respectively. CenturyLink Communications LLC, the legal successor to Qwest, is now requesting a renewal of that license agreement. This new Agreement must be authorized by both the County and City.

STRATEGIC PLAN: Critical Infrastructure - Prioritize, plan and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs.

DISCUSSION: CenturyLink Communications LLC is requesting the County and City to approve the renewal of an Underground Right-of-Way License Agreement permitting continued operation of fiber optic facilities across a portion of Darden Towe Park (Attachment A). The location of the fiber optic facilities does not interfere with park activities. CenturyLink agrees that if a conflict arises in the future, they will relocate the facilities at no expense to the County or City. Because of legal limitations placed on cities, the term of the 2006, 2011, and 2016 Agreements, as well as the proposed new Agreement, is five years. The County and City are charging a fair market value annual fee for the license. The Director of Parks & Recreation has reviewed the request and does not object to the proposal. The County Attorney has reviewed the proposed Agreement and finds that it addresses the County's legal issues and concerns.

BUDGET IMPACT: The proposed Agreement would continue to generate \$840 of revenue for the County in each year of the five-year agreement, representing half of each year's \$1,680 rent payment.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment B) approving the Underground Right-of-Way License Agreement with Century Link Communications LLC for facilities at Darden Towe Park and authorizing the County Executive to execute the Agreement after approval as to form and content by the County Attorney.

ATTACHMENTS:

- A - Proposed Underground Right-of-Way License Agreement
- B - Resolution