



# Albemarle County

## Legislation Text

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**File #:** 16-242, **Version:** 1

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**AGENDA DATE:** 4/6/2016

**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):** Foley, Walker, Davis, Herrick, and Crickenberger

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** In 2006, Qwest Communications Corporation was granted a license by the 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 the County and the City. The installation and initial operation was authorized by a five-year Underground Right-of-Way License Agreement that ran from 2006 to 2010. In 2011, the County and the City approved a new five-year license agreement that ran through the end of 2015. 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:** Goal 2. 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. 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 both the original Agreement and 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 and 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:** This request has no budget impact. The proposed Agreement would continue to generate \$840.00 of revenue for the County in each year of the five year agreement. \$1,680.00 has been determined to be the total fair market value of the license, and the County would receive half of that amount.

**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.

A - Proposed Underground Right-of-Way License Agreement

B - Resolution