 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	December 23, 2013
	<b>Agenda Item No.</b>	<b>51</b>
	<b>Roll Call No.</b>	[ _____ ]
	<b>Communication No.</b>	<b><u>13-612</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for consideration of a license agreement with AT & T Corporation (AT & T) upon City-owned property located in and adjacent to Mulberry Street, between 13th Street and 16th Street, for \$5,000.

**SYNOPSIS:**

Recommend approval of a license agreement with AT & T, Alvin S. Richardson Senior Technical Project Manager, AT & T Right-of-Way, Room 162, 3450 Riverwood Parkway SE, Atlanta, Georgia 30339, upon City-owned property located in and adjacent to Mulberry Street, between 13th Street and 16th Street for \$5,000. AT & T has a fiber optic line that runs across the subject City-owned property and within the Mulberry Street right-of-way. AT & T and the City have a license agreement for the portion of the line that is located within dedicated street right-of-way, but an agreement currently does not exist for the portion of the fiber optic line that is located on City-owned property outside the street right-of-way. Therefore, a license agreement is needed to allow the portion of the fiber optic line to remain on City-owned property outside of the Mulberry Street right-of-way. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution. The City will not be inconvenienced by approval of the proposed license agreement.

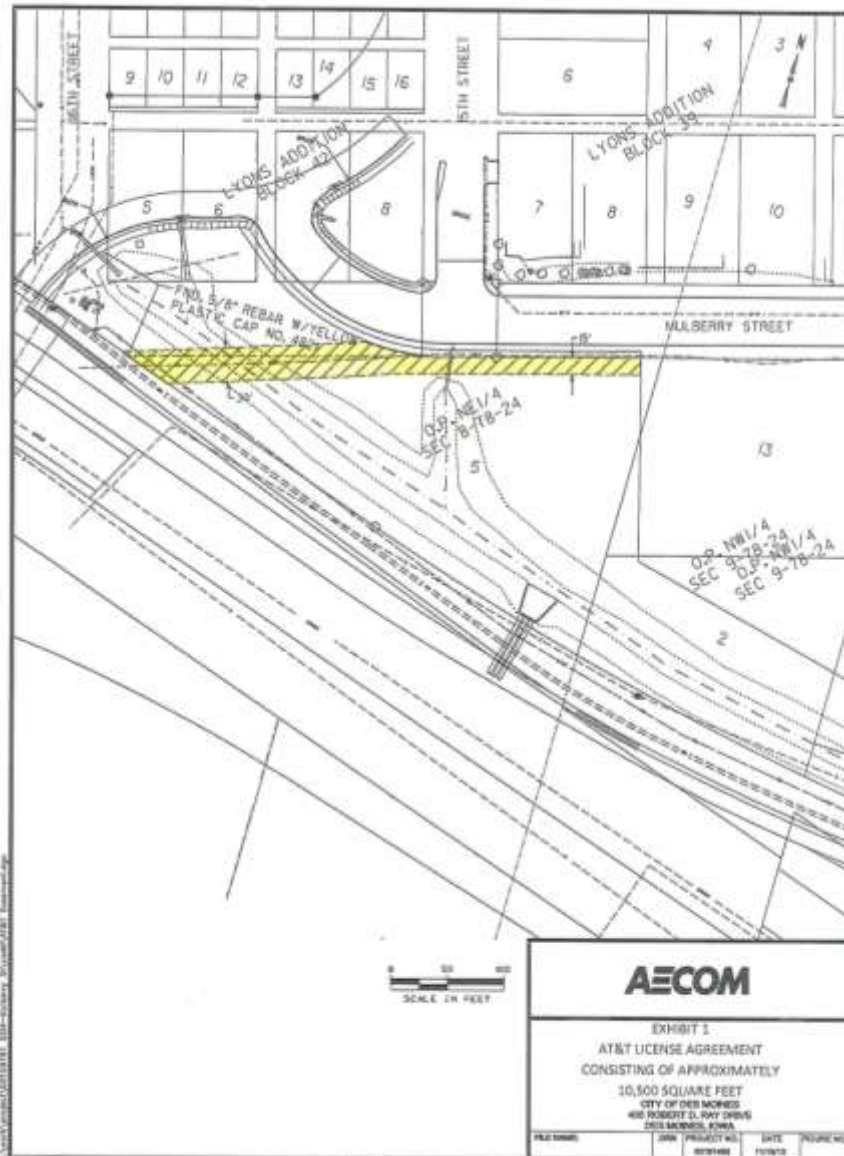
**FISCAL IMPACT:**

Amount: \$5,000 (Revenue)

Funding Source: Non-project related proceeds are used to support general operating budget expenses:  
Org – EG064090

**ADDITIONAL INFORMATION:**

The City’s Real Estate Division has negotiated a 20 year License Agreement with AT & T for the use of the City’s property, commencing upon execution by City of the License Agreement and terminating on October 31, 2033, with an option to renew for one (1) additional 20 year term running through October 31, 2053. Either party may terminate the License Agreement at anytime, with or without cause, upon 120 days written notice. AT & T shall pay an upfront one-time lump sum payment of \$5,000 as consideration for the initial 20 year license term, and an additional upfront one-time lump sum payment of \$10,000 in the event that AT & T exercises its option to renew the License Agreement; amounts reflect fair market value of the Licensed Premises and terms as currently estimated by the City’s Real Estate Division.



**PREVIOUS COUNCIL ACTION(S):**

Date: December 9, 2013

Roll Call Number: [13-1895](#)

Action: [On License Agreement](#) with AT & T Corporation upon property located in and adjacent to vacated Mulberry Street, between 13th and 16th Street, \$5,000, (12-23-13). Moved by Hensley to adopt. Motion Carried 7-0.

Date: April 17, 2000

Roll Call Number: 00-1129

Action: [An Ordinance](#) entitled “AN ORDINANCE vacating a portion of the Mulberry Street right-of-way between 13th and 16th Streets”.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).