



Agenda Cover Memorandum

Meeting Date: August 12, 2013

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Ordinance Authorizing Assignment of the License Agreement with AboveNet Communication to Zayo Group LLC

Action Requested:

Approval

For discussion

Feedback requested

For your information

Staff Contact: Sarah Mitchell, City Engineer

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Background:

In November of 2010, AboveNet Communications, Inc., a fiber optics company, obtained a license agreement with the City of Park Ridge for fiber optics installation per Article 12-11-8 of the Municipal Code. Article 12-11-8 requires carriers providing telecommunications services to persons or areas outside the City to obtain a license agreement with the City.

In January of 2013, the City was notified of the merger of AboveNet communications, Inc. with Zayo Group, LLC. Therefore, Zayo Group, LLC is required to receive authorization of assignment of AboveNet's license agreement to them. Zayo Group, LLC is not modifying the existing telecommunications facilities in any way.

They have submitted all required information and have complied with all applicable provisions of the Municipal Code, including registration, insurance certificates, security, and the annual fee of \$500.

Recommendation:

Approve an Ordinance authorizing assignment of the License Agreement with AboveNet Communications, Inc. to Zayo Group, LLC of 1805 29th Street, Boulder, Colorado 80301.

Budget Implications:

Does Action Require an Expenditure of Funds: Yes No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:

Yes No Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

Attachments:

- Draft Ordinance

ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE
AUTHORIZING ASSIGNMENT OF LICENSE AGREEMENT WITH ABOVE NET
COMMUNICATIONS, INC. TO ZAYO GROUP, LLC

WHEREAS, on November 18, 2010, AboveNet Communications, Inc. (“AboveNet”) entered into a License Agreement (“Agreement”) with the City of Park Ridge pursuant to Article 12, Chapter 11 of the Park Ridge Municipal Code for the limited purpose of installation and maintenance of fiber optic telecommunications cable and related facilities to provide broadband services underneath Right-of-Way of the City;

WHEREAS, paragraph 28 of the Agreement provides that an assignment of the Agreement must be approved by the corporate authorities pursuant to the passage of an ordinance;

WHEREAS, AboveNet, notified the City of the possibility of the merger of AboveNet and Zayo Group, LLC, a privately held Delaware limited liability company, in April 2012 and again notified the City on January 31, 2013 of the merger of the two companies;

WHEREAS, Zayo Group has submitted all required information and has complied with all applicable provisions of the Park Ridge Municipal Code;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Park Ridge, Cook County, Illinois.

SECTION 1: The Mayor and City Council of the City of Park Ridge have determined that the assignment of the Agreement from AboveNet to Zayo Group, LLC shall be granted.

SECTION 2: The Agreement shall be binding upon and shall inure to the benefit of Zayo Group, LLC and to its successor corporations, officers, officials, trustees, successors in office or interest, heirs, representatives, and assigns.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Adopted by the City Council of the City of Park Ridge, Illinois, this ____ day of _____, A.D. 2013.

VOTE: AYES _____
 NAYS _____

 ABSENT _____

Approved by me this ____ day of _____,
A.D. 2013.

Attest:

Mayor

City Clerk