



Legislation Text

File #: 21-0145, Version: 1

Dept/ Agency: Engineering

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Street Use Agreement

Purpose: An Agreement to occupy the streets for the purpose of installing wireless and wireline facilities and providing services as defined in greater detail within the Street Use Agreement.

Entity Name: ExteNet Systems, Inc.

Entity Address: 3030 Warrenville Road, Suite 340, Lisle, Illinois 60532

Contract Amount: Defined in detail within the Street Use Agreement

Funding Source: No municipal funds required

Contract Period: Five (5) years from the effective date of the Agreement and shall automatically be renewed for three (3) additional five (5) year terms, unless properly terminated by either party in the manner set forth in the Agreement

Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient (X) n/a

Additional Information:

WHEREAS, ExteNet Systems, Inc., 3030 Warrenville Road, Suite 340, Lisle, Illinois 60532 (the "Grantee" or "ExteNet"), constructs wireless facilities used in the provision of the personal wireless services, and also installs fiber optic lines and associated facilities connecting wireless facilities, and seeks to install such facilities within the City of Newark (the "City" or "Newark"); and

WHEREAS, ExteNet has requested that the City issue an appropriate authorization to utilize the streets, as required by Title XXIX of the Revised General Ordinances of the City of Newark, New Jersey, 2000, Chapter 5, Article 2, Section 29:5-6b; and the City and ExteNet have agreed to the terms of the attached Street Use Agreement (the "Agreement"), (in the form attached hereto and made a part of this resolution), by and between the City and ExteNet to be entered into by the parties which defines the rights, obligations, and responsibilities of both the parties, and the conditions to occupy the streets for the purpose of installing facilities and providing services as defined in the attached Agreement; and

WHEREAS, the Agreement shall be in force and effect for an initial term of five (5) years from the effective date of the Agreement, and shall automatically be renewed for three (3) additional five (5) year terms, unless properly terminated by either party in the manner set forth in the Agreement; and

WHEREAS, ExteNet agrees to pay compensation to the City for use of the streets in the amount as set forth in the Agreement; and

WHEREAS, ExteNet has further agreed to pay an annual fee established by City for use of the

rights-of-way for its wireline facilities, subject to any limits established by State or Federal law, and to pay the City's costs in negotiating the agreement; and

WHEREAS, the placement of particular wireless and wireline facilities will be subject to review of the City in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee, the Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to enter into and execute a Street Use Agreement, (in the form attached hereto and made a part of this resolution), by and between the City of Newark and ExteNet Systems, Inc., 3030 Warrenville Road, Suite 340, Lisle, Illinois 60532, which defines the rights, obligations and responsibilities of both the parties, and the conditions to occupy the streets for the purpose of installing wireless and wireline facilities and providing services both as defined and set forth within the Street Use Agreement (in the form attached hereto and made a part of this resolution).
2. A fully executed copy of the Agreement shall be filed in the Office of the City Clerk by the Director of Engineering.
3. The Agreement shall be in full force and effect for an initial term of five (5) years from the effective date of the Agreement and shall automatically be renewed for three (3) additional five (5) year terms, unless properly terminated by either party in the manner set forth in the Agreement.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute a Street Use Agreement by and between The City of Newark and ExteNet Systems, Inc., 3030 Warrenville Road, Suite 340, Lisle, Illinois 60532, which defines the rights, obligations, and responsibilities of both the parties, and the conditions to occupy the streets for the purpose of installing facilities and providing services as defined and set forth within the Street Use Agreement. The Agreement shall be in full force and effect for an initial term of five (5) years from the effective date of the Agreement, shall automatically be renewed for three (3) additional five (5) year terms, unless properly terminated by either party in the manner set forth in the Agreement. No municipal funds are required for this Agreement.