



Legislation Details (With Text)

File #: 22-1822 **Version:** 1 **Name:** Resolution: Street Use Agreement - NY Fiber, LLC
Type: Resolution **Status:** Adopted
File created: 12/12/2022 **In control:** Engineering
On agenda: 2/15/2023 **Final action:** 2/15/2023
Title: Dept/ Agency: Engineering
Action: ☐ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Street Use Agreement
Purpose: An Agreement to occupy streets for the purpose of installing wireless and wireline facilities.
Entity Name: NY Fiber 1, LLC
Entity Address: 835 Low Country Boulevard, Suite A, Mt. Pleasant, South Carolina 29464
Contract Amount: As defined within the Street Use Agreement
Funding Source: No municipal funds required
Contract Period: Ten (10) years from the effective date of the Street Use Agreement and may be renewed at the Company's request for two (2) 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 ☒ n/a
Additional Information:
This Street Use Agreement will provide services as defined in greater detail within the Agreement.

The contract amount shall be a one-time fee of \$5,000.00 and a \$2.50 per total linear foot installed for the term of the Agreement.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/15/2023	1	Municipal Council	Adopt	Pass

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The contract amount shall be a one-time fee of \$5,000.00 and a \$2.50 per total linear foot installed for the term of the Agreement.

WHEREAS, NY Fiber 1, LLC, 835 Low Country Boulevard, Suite A, Mt. Pleasant, South Carolina 29464 (the “Grantee” or “NY Fiber 1”), installs fiber optic lines, and seeks to install such facilities within the City of Newark (the “City” or “Newark”); and

WHEREAS, NY Fiber 1, LLC 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 NY Fiber, LLC 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 NY Fiber 1, LLC 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 ten (10) years from the effective date of the Agreement and may be renewed at the Company’s request for two (2) additional five (5) year terms, unless properly terminated by either party in the manner set forth in the Agreement; and

WHEREAS, NY Fiber 1, LLC agrees to pay compensation to the City for use of the streets in the amount as set forth in the Agreement; and

WHEREAS, NY Fiber 1, LLC has further agreed to pay an annual fee established by City for use of the right-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 of the City of Newark and/or his designee, the Acting 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 NY Fiber 1, LLC, 835 Low Country Boulevard, Suite A, Mt. Pleasant, South Carolina 29464, 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 Acting Director of the Department of Engineering.
3. The Agreement shall be in force and effect for an initial term of ten (10) years from the effective date of the Agreement and may be renewed at the Company’s request for two (2)

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 of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, to enter into and execute a Street Use Agreement by and between the City of Newark and NY Fiber 1, LLC, 835 Low Country Boulevard, Suite A, Mt. Pleasant, South Carolina 29464, 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 force and effect for an initial term of ten (10) years from the effective date of the Agreement and may be renewed at the Company's request for two (2) additional five (5) year terms, unless properly terminated by either party in the manner set forth in the Agreement.