

**Resolution No. 2018-21**

**A Resolution to Approve Entry into a Communications Right-of-Way Use Agreement**

**WHEREAS**, Fiber Technologies Networks, L.L.C. (“Fibertech”) is a limited liability company duly organized and existing under the laws of the State of New York that provides telecommunications services and/or information services; and

**WHEREAS**, Fibertech desires to construct, install, maintain and operate telecommunications facilities within the public rights-of-way of the City of New Castle for the purposes of providing telecommunications services and/or information services; and

**WHEREAS**, the City has the legal authority to grant Fibertech and its affiliates the right to access public rights-of-way for purposes of installing, maintaining and operating telecommunications facilities in the City’s public rights-of-way; and

**WHEREAS**, the City has arranged for special counsel, The Cohen Group, of Pittsburgh, Pennsylvania, to negotiate a right of way use agreement for Fibertech consistent with applicable industry standards and compliant with federal law; and

**WHEREAS**, The Cohen Group has negotiated and recommends approval of a draft ten (10) year Communications Right-of-Way Use Agreement with Fibertech in the form attached to this Resolution (the “Agreement”) that grants Fibertech the right to utilize City rights-of-way to install, maintain and operate telecommunications facilities in exchange for a payment by Fibertech to the City of \$10,000.00 payable at the time of execution of the Agreement; and

**WHEREAS**, Council has determined that permitting the installation of modern telecommunications facilities in the City of New Castle will provide significant public benefit through the expanded and expedited delivery of telecommunications and information services.

**RESOLVED, THEREFORE**, that the City Administrator is authorized and directed to execute and deliver to Fibertech on behalf of the City the proposed Communications Right-of-Way Use Agreement in the form attached hereto and to take such further action reasonably necessary to implement the terms of such Communications Right-of-Way Use Agreement.

**Passed this 14th day of August, 2018**

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Linda Ratchford, City Council President

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John A. Di Mondì, Councilperson

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Valarie W. Leary, Councilperson

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Michael M. Platt, Councilperson

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Michael J. Quaranta, Councilperson

Attest:

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Brian G. Whitaker, City Clerk