

**DEPARTMENT:** ITSD

**DEPARTMENT HEAD:** Craig Hopkins

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

Non-Exclusive 10-year license agreement granting EZ BEL Construction the use and occupancy of the rights-of-way at the site identified as 203 Recoleta & 214 Jackson-Keller, for the purpose of installing and maintaining fiber optic cable facilities.

**SUMMARY:**

EZ BEL Construction is proposing to extend their private fiber network across the right-of-way to their properties as part of their campus expansion project. The fiber optic cable facilities will provide telecommunications service for EZ BEL Construction's administrative office.

EZ BEL Construction is requesting that City of San Antonio authorize a non-exclusive license to use and occupy the space above and below in the City's Rights-of Way, specifically for the following site:

- 1) 203 Recoleta & 214 Jackson-Keller.

The total revenue value is \$4,013.33 for a 10-year period.

**BACKGROUND INFORMATION:**

In December of 2017, EZ BEL Construction approached the City of San Antonio in regards to utilizing existing city right-of-way to construct telecommunication underground utility pathways to place fiber optic cable facilities at 203 Recoleta & 214 Jackson-Keller in support of interconnecting their respective facilities. The City of San Antonio's ITSD and Legal department worked jointly with EZ BEL Construction in developing a fiber optic licensing agreement that would support this expansion. This agreement is based on current market values on the adjacent properties and was developed by utilizing Bexar County Appraisal District (BCAD) values.

**ISSUE:**

EZ BEL Construction has added an administrative office on a property that lies one lot away from the shop property. In order to provide data to the new administrative building, EZ BEL Construction will need to install fiber within the right-of-way to cross the face of the lot between their two properties.

**ALTERNATIVES:**

If the agreement is not approved, EZ BEL Construction will not be able to connect their facilities to their neighboring property with fiber optic cable facilities and would need to identify other means or methods to provide this service.

**FISCAL IMPACT:**

This ordinance approves a non-Exclusive license agreement granting EZ BEL Construction the use and occupancy of the rights-of-way at the site identified as 203 Recoleta & 214 Jackson-Keller, for the purpose of installing and maintaining fiber optic cable facilities. A revenue of \$4,013.33 for the 10 year term of the agreement would be received by the Information Technology Services fund. As per section 9c of the contract, "Licensee shall remit the total amount of Right-of-Way access fees for all ten (10) years of this Agreement after City Council approval of this Agreement."

**RECOMMENDATION:**

Staff recommends approval of the 10 year non-exclusive license agreement.