

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. - Form No. 30045

06-15

Resolution No. _____

Passed _____

, 20_____

**A RESOLUTION AUTHORIZING THE CITY OF DUBLIN TO
ENTER INTO AN AMENDMENT TO THE DECEMBER 14, 1998
AGREEMENT BETWEEN THE CITY OF DUBLIN AND
THE DUBLINK DEVELOPMENT COMPANY, LLC.**

WHEREAS, the City of Dublin and Dublink Development Company LLC entered into a conduit system construction and operation agreement dated December 14, 1998 ("Agreement"); and

WHEREAS, the Agreement contained certain lease rates for conduit rental; and

WHEREAS, the lease rates have not changed in the past sixteen (16) years.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City Manager is hereby authorized to sign an amendment to the Agreement, which allows the Dublink Development Company LLC to raise the conduit rental fees to the amounts set forth in Exhibit A, attached hereto.

Section 2. This Resolution shall take effect upon passage in accordance with Section 4.04(a) of the Revised Charter.

Passed this _____ day of _____, 2015

Mayor - Presiding Officer

ATTEST:

Clerk of Council



To: Members of Dublin City Council
From: Marsha Grigsby, City Manager *JMG*
Date: December 31, 2014
Initiated By: Dana L. McDaniel, Director of Development
Re: Resolution No. 06-15 – Amending the DubLink Fee Structure

Background

As Council is aware, the City possesses a 125-mile conduit and fiber optic system throughout Central Ohio known as DubLink. Approximately 25 miles of DubLink is located within Dublin's commercial district (see Attachment A). In 1998, the City of Dublin enter into an Agreement with the DubLink Development Company, LLC. DubLink has been constructed over the years in generally three (3) phases as depicted in the attached map. As part of this Agreement, a certain fee structure for the use of the DubLink conduit system was established and agreed upon (Attachment B). The pricing for this structure has not been adjusted since this time. The type and cost of construction for the deployment of DubLink has been relatively consistent for these three phases.

The DubLink Development Company, LLC desires to add new pricing for a new Phase 4 construction. New Phase 4 pricing is enclosed as Attachment C. Phase 4 construction relates specifically to the deployment of DubLink conduit on Emerald Parkway Phase 8 and Tuller Ridge – Tuller Ridge/Dale Drive connector. The City's Engineering staff and consultants have been coordinating these new construction efforts with the DubLink Development Company, LLC. Staff's own experience with these two projects confirms that adjustments from 1998 pricing are warranted. Existing utilities, particularly along the Tuller Ridge - Tuller Ridge-Dale Connector, are required to relocate to the new underground utility system. This new pricing will enable final decisions to be made by certain existing telecommunication providers as to their re-location plans.

Staff anticipates the DubLink Development Company, LLC will request additional changes to this fee structure. Specifically, we anticipate that a change to the fee structure for the improvements to Riverside Drive realignment and Riverside Drive/SR 161/Bridge Street roundabout will be requested as a Phase 6. We then anticipate a request that will relate to the greater construction of additional roadways within the Bridge Street District. Such requests will be appropriate due to road reconstruction and undergrounding of existing utilities and construction of new roads within the district that are more urban-like. These situations are different than the typical construction the original fees contemplated. Staff will work with DubLink Development Company, LLC to keep such changes to a minimum and ensure that fees are comprehensive and uniform as possible.

Recommendation

Staff recommends Council approve Resolution No. 06-15. Contact Dana McDaniel with any questions.

DUBLINK PROJECT

EXHIBIT A

- Phase 1
- Phase 2
- Phase 3
- Phase 4

NOT TO SCALE

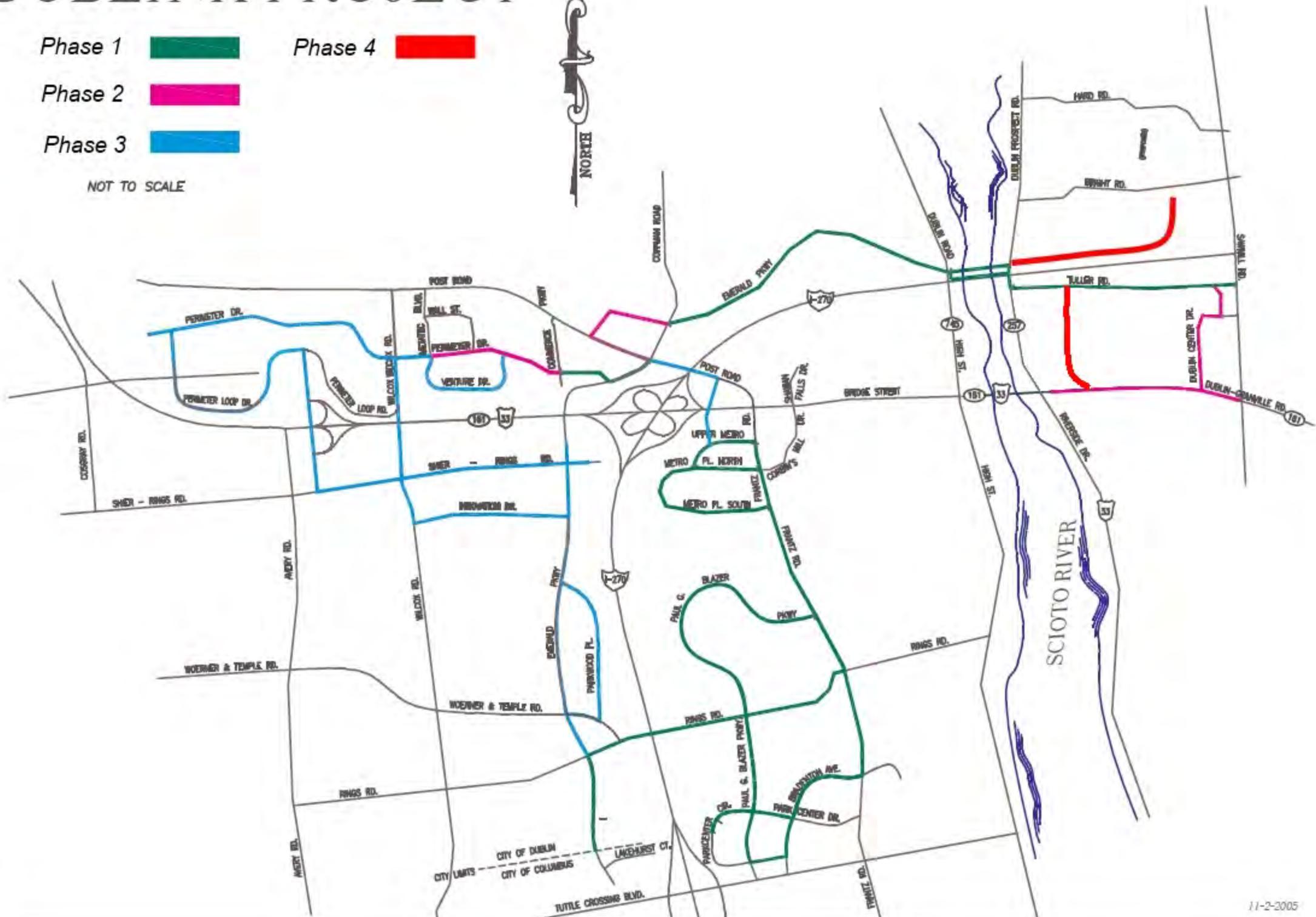


EXHIBIT B

PHASE 1 PROPOSED PRICING

A. One time 25-year lease payment per duct foot.*

	<u>Founding Users</u>	<u>After Year 1</u>
1-1/4" innerduct	7.72	8.87
4" PVC duct	18.80	21.62

(No subleasing allowed until entire duct system is full.)

B. Annual lease payment per duct foot.*

- 1) Rate is adjusted every 5 years by 5% or 80% of CPI (whichever is higher)
- 2) 15-yr. initial term with 10-yr. extension
- 3) No subleasing

	<u>Founding Users</u>	<u>After Year 1</u>
1-1/4" innerduct	1.15	1.32
4" PVC duct	2.65	3.05

*In the event that a user desires more capacity within a segment, operator will negotiate a separate agreement to cover the one time costs of this additional capacity. User will have an indefeasible right to use and maintain this additional capacity outside the original Dublin agreement.

EXHIBIT B

PHASE II PRICING

A. One Time 25-year lease payment per duct foot-

	<u>Founding Users</u>	<u>After 1 Year</u>
1-1/4" innerduct	9.80	11.25
4" PVC duct	23.90	27.50

(No subleasing allowed until entire duct system is full.)

B. Annual Lease Payment per Duct Foot

- 1) Rate is adjusted every 5 years by 5% or 80% of CPI (whichever is greater)
- 2) 15 year initial term with 10 year extension
- 3) No subleasing

	<u>Founding Users</u>	<u>After 1 Year</u>
1-1/4" innerduct	1.55	1.80
4" PVC duct	3.60	4.10

*Final pricing will be determined after initial design is complete.

EXHIBIT B
PHASE 3 PRICING

A. One Time 25-year lease payment per duct foot

	<u>Founding Users</u>	<u>After 1 Year</u>
1-1/4" innerduct	8.65	9.95
4" PVC duct	21.00	24.15

(No subleasing allowed until entire duct system is full.)

B. Annual Lease Payment per Duct Foot *

- 1) Rate is adjusted every 5 years by 5% or 80% of CPI (whichever is greater)
- 2) 15 year initial term with 10 year extension
- 3) No subleasing

	<u>Founding Users</u>	<u>After 1 Year</u>
1-1/4" innerduct	1.40	1.60
4" PVC duct	3.40	3.90

*Final pricing will be determined after initial design is complete.

EXHIBIT C

PHASE 4 PRICING

A. One time lease payment for initial 25-year term per Section 2

	<u>Yr 1 User Price Per Foot</u>	<u>After Yr 1 User Price Per Foot</u>
1-1/4" Conduit	\$15.27	\$17.56
4" Conduit	\$37.11	\$42.67
<u>Proposed Footage</u>	<u>Price</u>	<u>Extension</u>
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL:		\$ _____

B. Annual lease payment per duct foot.

- 1) Rate is adjusted every 5 years by 5% or 80% of CPI (whichever is higher)
- 2) 15-yr. initial term with extension per Section 2.
- 3) No subleasing

	<u>Yr 1 User Price Per Foot</u>	<u>After Yr 1 User Price Per Foot</u>
1-1/4" Conduit	\$2.49	\$2.86
4" Conduit	\$6.04	\$6.94
<u>Proposed Footage</u>	<u>Price</u>	<u>Extension</u>
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL:		\$ _____