



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1482-2021, **Version:** 1

Background: The City through its Department of Public Utilities, Division of Power, owns and controls several conduits located under Wall Street between Gay Street and Elm Street and allows that one conduit may be used for fiber optic telecommunications cable. CenturyLink Communications, LLC (“CenturyLink”) has utilized one conduit for its fiber optic cable since 2001. CenturyLink’s initial use of the conduit was under the terms of a lease agreement that expired in 2016. The following ordinance authorizes the Director of the Department and Finance and Management on behalf of the Department of Public Utilities, Division of Power, to execute a license agreement specifying the terms and conditions for CenturyLink’s continued use of this conduit and to establish compensation to the City for this continued use and for CenturyLink’s use of the City’s conduit beyond the term of the original lease agreement. The term of the new license agreement will be fifteen (15) years, with an option to renew the term for an additional fifteen (15) year period with the license fee for the renewal term to be negotiated if the licenses is renewed.

Fiscal Impact: CenturyLink will pay the City a lump sum license fee of \$30,000.00 for the fifteen-year term of the License Agreement and an additional \$10,000.00 for CenturyLink’s use of the City’s conduit beyond the term of the initial lease agreement. These fee will be deposited in Fund 6300, the Power Operating Fund.

Emergency action is requested to allow the City to receive the income from the license fees at the earliest date possible.

To authorize the Director of the Department of Finance and Management to enter into a License Agreement with CenturyLink Communications, LLC specifying the terms and conditions for CenturyLink Communications, LLC’s use of City-owned conduit, and to declare an emergency.

WHEREAS, the City, through its Department of Public Utilities, Division of Power, owns and controls several conduits located under Wall Street between Gay Street and Elm Street (the “Location”) and allows that one conduit may be used for fiber optic telecommunications cable; and,

WHEREAS, the City and CenturyLink (formerly Qwest Communications) were parties to a prior Lease Agreement for CenturyLink’s Facilities, the term of which agreement was July 15, 2001 to July 14, 2016 (the “Prior Agreement”); and

WHEREAS, the City and CenturyLink desire to acknowledge CenturyLink’s ongoing use of the Conduit beyond the term of the Prior Agreement and to establish compensation for that use; and

WHEREAS, CenturyLink Communications, LLC (“CenturyLink”) desires to continue to utilize one (1) four-inch (4") conduit ("Conduit") for its fiber optic telecommunications cable and associated appurtenances (CenturyLink’s Facilities) at the Location; and,

WHEREAS, it has been determined that granting CenturyLink the continued use of one conduit for its fiber optic telecommunications cable and associated appurtenances will not adversely impact City operations; and

WHEREAS, the City and CenturyLink desire to enter into a License Agreement specifying the terms and conditions for CenturyLink’s continued use of this Conduit and to establish compensation to the City for this continued use and for CenturyLink’s use of the Conduit beyond the term of the original lease agreement; and

WHEREAS, an emergency exist in the usual daily operations of the Department of Public Utilities in that it is necessary to authorize the Director of the Department of Finance and Management to immediately enter into a License Agreement with CenturyLink specifying the terms and conditions for continued use of the Conduit and compensation for the period of use beyond the original lease agreement, thereby preserving the public health, peace, property, safety, and; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Department and Finance and Management, on behalf of the Department of Public Utilities, Division of Power, be and hereby is authorized to execute those documents, as approved by the Department of Law, necessary to enter into a License Agreement between the City, and CenturyLink Communications, LLC for CenturyLink Communications, LLC's use of City-owned and controlled conduit located under Wall Street between Gay Street and Elm Street.

SECTION 2. That the City Auditor, be and hereby is authorized and directed to deposit any revenues generated by this transaction and received by the City in Fund 6300, Power Operating Fund.

SECTION 3. That for the reason stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.