

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
12	07/27/09	Open	Action	07/15/09

Subject: Approving a License Agreement with Surewest Broadband to install fiber optic cable within RT's right of way at Folsom Boulevard between Watt Avenue and Wissemann Road

ISSUE

Whether to approve a license agreement with the Sacramento-Placerville Transportation Corridor Joint Powers Authority (JPA), the Sacramento Regional Transit District (RT) and Surewest Broadband to install Fiber Optic Cable within RT's right of way at Folsom Boulevard between Watt Avenue and Wissemann Drive.

RECOMMENDED ACTION

Adopt Resolution No. 09-07-_____, Approving License Agreement for Fiber Optic Cable within the Sacramento-Placerville Transportation Corridor Joint Powers Authority (JPA), Sacramento Regional Transit District (RT) and Surewest Broadband at Folsom Boulevard between Watt Avenue and Wissemann Drive.

FISCAL IMPACT

Approval of the License Agreement would result in RT receiving an annual fee of at least \$600 per year for up to 25 years.

DISCUSSION

The subject property is located within the Sacramento-Placerville Transportation Corridor Joint Powers Authority's (JPA) right of way, over which Sacramento Regional Transit District (RT) has an easement interest. This property is located at Folsom Boulevard between Watt Avenue and Wissemann Drive (see Attachment "A") and is further identified as Sacramento County Tax Assessor Parcel Number: 078-0190-041.

Surewest Broadband has requested a twenty-five year license agreement across RT's right of way to place a 4-inch conduit for fiber optic cable the length of 91 feet +/- within a 5-foot wide area (see Attachment "B"). This fiber optic cable will tie in to existing cable that Surewest leases from Qwest Communications (under Qwest's 1999 License Agreement with RT). RT Engineering and Construction staff has reviewed and approved the plans for installation of the 4-inch conduit for fiber optic cable.

Pursuant to the terms of the License Agreement, the JPA and RT will grant Surewest Broadband a license over the area within the rail right of way that houses the conduit for fiber optic cable. Staff retained a consultant to provide a comprehensive fee structure for transverse crossings, longitudinal Pipelines and longitudinal fiber cable in line with industry standards. RT will receive

Approved:


General Manager/CEO

Presented:


Director of Real Estate

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an annual payment of \$600 (adjusted every 5 years for inflation) for a term of twenty-five years, which represents the assessed commercial value of the license.

Staff recommends approval of the License Agreement between the JPA, RT and Surewest Broadband for installation of the conduit across the RT/JPA right of way for \$600 annually for up to 25 years.

ATTACHMENT "A"


A strip of land, 5.00 feet in width, being a portion of the west one-half of Section 13, Township 8 North, Range 5 East, M.D.M., the centerline of which is described as follows:

Beginning at a point from which a 1 ¼" iron pipe marking the northeasterly corner of the property shown on that certain Record of Survey filed March 15, 1976 in Book 32 of Surveys, at Page 8, Sacramento County Records, bears the following three (3) courses:

- 1) South 27°49'12" East 7.95 feet to the southerly line of the Southern Pacific Railroad property as shown on said Record of Survey
- 2) Along said southerly line along a curve to the left with a radius of 12,335.45 feet, the arc of which is subtended by a chord of North 61°42'45" East 200.57 feet and
- 3) Continuing along said southerly line along a curve to the left with a radius of 8,652.17 feet, the arc of which is subtended by a chord of North 62°33'53" East 194.10 feet to said northeasterly corner;

thence from said point of beginning North 27°49'12" West 91.05 feet to the northwesterly line of the property granted to Sacramento Regional Transit District, a public corporation, by Southern Pacific Transportation Company, a Delaware corporation, by Grant Deed recorded in Book 851220, Page 1777, Official Records of Sacramento County.

Prepared by:


Steven A. Gardner L.S. 5123





601 COMMERCE DRIVE
 SUITE 130
 ROSEVILLE, CA 95678
 PHONE (916) 782-5177
 FAX (916) 782-6008

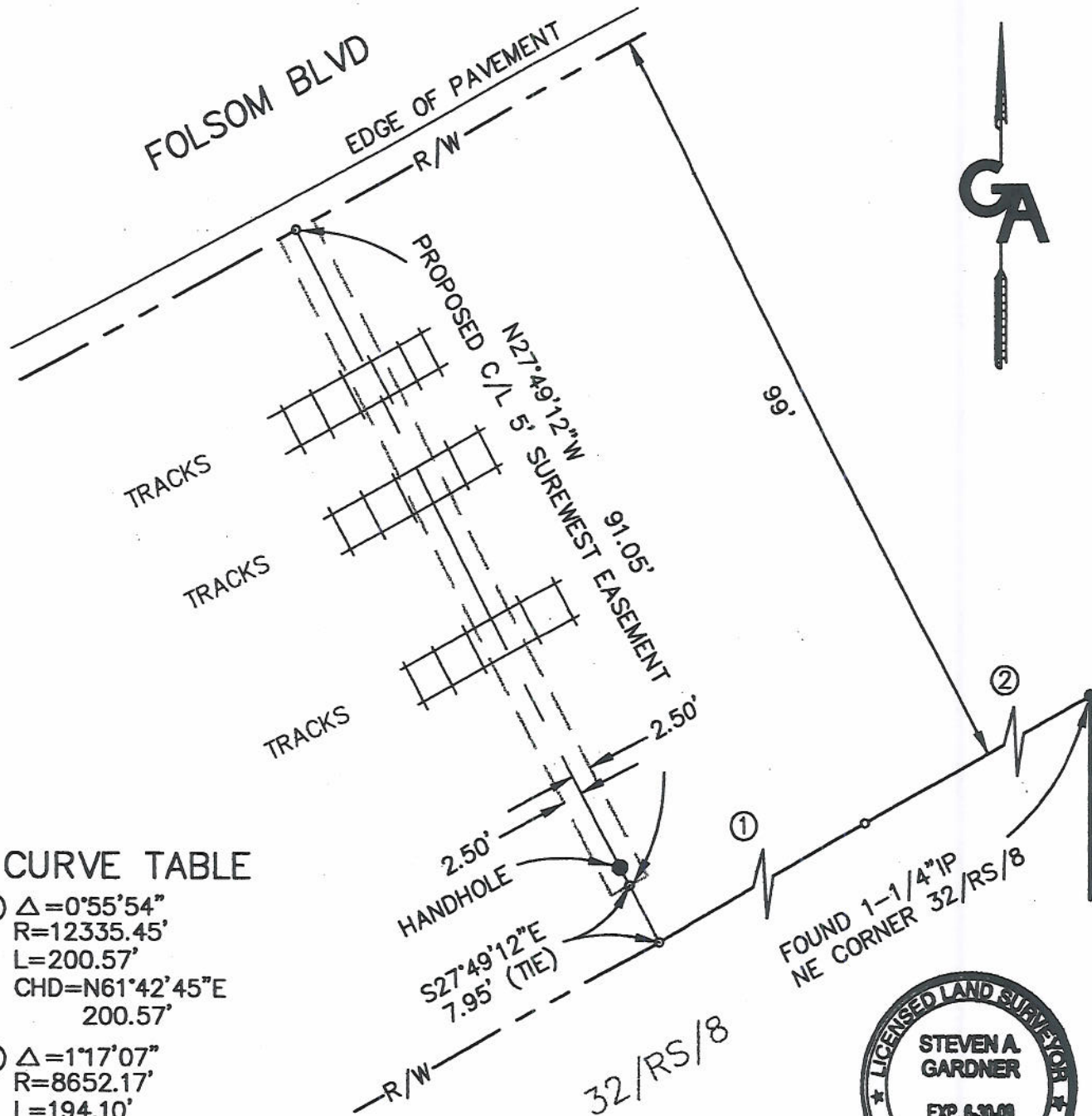
JOB NO.: 09-016

SCALE: 1"=20'

DRAFTED BY: MF

CHECKED BY: SG

DATE: MAY, 2009



CURVE TABLE

① $\Delta = 0^\circ 55' 54''$
 $R = 12335.45'$
 $L = 200.57'$
 $CHD = N61^\circ 42' 45'' E$
 $200.57'$

② $\Delta = 1^\circ 17' 07''$
 $R = 8652.17'$
 $L = 194.10'$
 $CHD = N62^\circ 33' 53'' E$
 $194.10'$



EXHIBIT B

A PORTION OF W 1/2 SECTION 13
 T8N, R5E, M.D.M.
 SACRAMENTO COUNTY, CALIFORNIA

Steven A. Gardner
 STEVEN A. GARDNER L.S. 5123

RESOLUTION NO. 09-07-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

July 27, 2009

APPROVING LICENSE AGREEMENT FOR FIBER OPTIC CABLE WITHIN THE SACRAMENTO-PLACERVILLE TRANSPORTATION CORRIDOR JOINT POWERS AUTHORITY (JPA), SACRAMENTO REGIONAL TRANSIT DISTRICT (RT) AND SUREWEST BROADBAND AT FOLSOM BOULEVARD BETWEEN WATT AVENUE AND WISSEMANN DRIVE

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the license agreement between the Sacramento-Placerville Transportation Corridor Joint Powers Authority, therein referred to as "JPA," the Sacramento Regional Transit District, therein referred to as "RT" (collectively referred to therein as "Licensor"), and Surewest Broadband, therein referred to as "Licensee," whereby Licensor grants a non-exclusive license for the purpose of installing and maintaining a 4-inch conduit for fiber optic cable across RT's right of way a length of 91 feet +/-, within a 5-foot wide area, at a minimum depth of 6 feet below the top of RT's light rail tracks along the Amtrak/Folsom corridor right of way, within the area further identified as Assessor Parcel Number 078-0190-041, and whereby Surewest Broadband agrees to pay RT an annual fee of at least \$600 for a term of 25 years for the license therein conveyed, as further set forth therein, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute said License Agreement.

STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary