

RECOMMENDATION: That City Council:

1. Consider the proposed amendment to the existing License Agreement (“Agreement”) with Zayo and set it for public hearing on Saturday, November 12, 2022; and
2. After the public hearing, authorize the City Manager to execute the Amendment and to take other actions that are necessary to implement the Amendment.

DISCUSSION: On December 1, 2018, the City entered into a five-year license agreement with Zayo. At this time, Zayo had acquired the conduits and fiber optic cables from Fibergate and has an extensive build throughout the City, as set forth on Exhibits A-K of the Agreement (attached here as Exhibit 3). In sum, Zayo’s system runs from Four Mile Run to Commonwealth Avenue to Eisenhower Avenue and Edsall Road. Zayo also has conduits and fiber optic cable along King Street and Beauregard Street in the Mark Center. They also have installations at the Carlyle development, including Courthouse Square. Since July 2020, City Council has approved two amendments to the original license. The first amendment in July 2020, was for an additional small build of 66 feet to provide telecommunications services to the Patent and Trademark Office. The second amendment to the License Agreement was in September 2021 and approved two builds to the IDA Building at 701 Glebe Road. The northern build was approximately 3,201 linear feet and the southern build was approximately 2,978 linear feet. The proposed build addressed by Amendment No. 3 is for Zayo to provide backhaul and telecommunications services for Dish Network and T-Mobile.

The proposed build and route description (as set forth on Exhibits 1 and 2 to Amendment No. 3) are:

6161 Edsall Road: Installation of conduit and fiber starting at an existing Zayo handhole on the south side of Edsall Road located at 6000 Edsall Road. Zayo shall directionally bore 1,135 feet of new conduit and fiber westward on the south side of Edsall Road continuing to 6200 Edsall Road, then directionally bore 67 feet of new conduit and fiber across Edsall Road to place a new handhole in the grass strip in front of 6161 Edsall Road. Directional drilling will be performed to place three 1.5 HPE conduits equipped with one 264 count fiber optic cable, two, 2x3x3 handholes will be placed to connect the system and provide T-Mobile with a Meet-Me Point for its connection. Excavation of the concrete sidewalk and asphalt will be required to test pit for existing utilities.

3201 Eisenhower Avenue: Installation of conduit and fiber at an existing Zayo handhole at the northeast intersection of Eisenhower Avenue and Bluestone Road. Zayo will directionally bore 474 feet of new conduit and fiber north on the east side of Bluestone Road to a proposed handhole on the north side of the entrance to 3201 Eisenhower Avenue. Directional drilling will be performed to place three 1.5” HDPE conduits equipped with one 48 count fiber optic cable. One 2x3x3 foot handhole will be placed to provide T-Mobile with a Meet-Me Point for its connection. Excavation of the concrete sidewalk will be required to test pit for existing utilities.

FISCAL IMPACT: Zayo will be required to pay to the City right-of-way fees of \$1.01 per access line as of July 1, 2022, based on its existing Agreement with the City. In the past, those fees have been approximately \$375 per year.

ATTACHMENTS:

1. Amendment to the License Agreement with Maps of Proposed Builds
2. Current License Agreement between the City of Alexandria, Virginia and Zayo Group, LLC. dated December 1, 2018.
3. Memorandum - Commission on Information Technology - License Agreement Recommendations

STAFF:

Joanna Anderson, City Attorney
Karen Snow, Senior Assistant City Attorney
Yon Lambert, Director, Department of Transportation and Environmental Services
Lalit Sharma, P.E., Deputy Director, Transportation and Environmental Services - DROW
Kimberly Merritt, Civil Engineer, Department of Transportation and Environmental Services