

7/23/97

49-R-97

A Resolution

Authorizing the City Manager to Execute
A Letter of Agreement with AT&T
For Installation of Fiber Optic Cable
In the City of Evanston's Right-of-Way

WHEREAS, AT&T is a telecommunications retailer engaged in the sale of telecommunications at retail; and

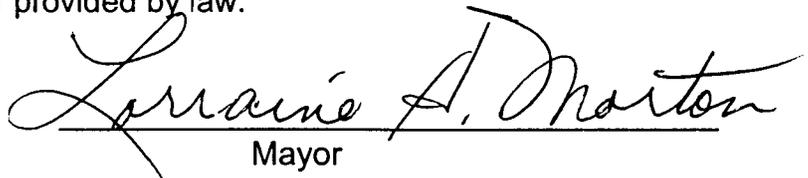
WHEREAS, AT&T desires to install cables within the City of Evanston; and

WHEREAS, the City Council finds that said installation is in the best interests of the citizens of the City of Evanston,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City Manager of the City of Evanston is hereby authorized and directed to execute a Letter of Agreement between AT&T and the City for the installation of fiber optic cable in the City's rights-of-way. Said Letter of Agreement shall be in substantial conformity with the Letter of Agreement marked as Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.



Mayor

ATTEST:



City Clerk

Adopted: July 28, 1997



Susan M. Faccenda
Senior Attorney

13th Floor
227 West Monroe Street
Chicago, Illinois 60606
312 230-2640

VIA FACSIMILE AND
REGULAR MAIL

July 18, 1997

Herbert Hill
First Assistant Corporation Counsel
City of Evanston
2100 Ridge Avenue
Evanston, IL 60201

Dear Herb,

Pursuant to our conversation today, I have revised my July 2d letter to include items 8-10 below. Accordingly, AT&T will agree as follows for Evanston's issuance of permits for AT&T to install fiber optic cable in its rights-of-way:

1. AT&T's engineers will be accessible to the City's engineer's concerning any questions with the construction plans.
2. Evanston will be named as an additional insured on all contractor's liability policies.
3. AT&T will provide a performance bond for the proposed new build (the new build will be approximately 2188 feet).
4. AT&T will notify owners of private property abutting the proposed new build by delivering a notice 48 hours prior to the construction, which notice shall include a telephone number of AT&T's representative whom the private property owner may contact for information regarding the construction.
5. AT&T will provide the City a construction schedule including dates for the start and conclusion of construction, provided that AT&T's construction is not impacted by weather, underground obstacles, or other unforeseen circumstances beyond AT&T's control.
6. If the City deems it necessary in the interest of health and safety, AT&T will agree to excavate (or trench) instead of doing directional boring.

7. AT&T will reimburse Evanston for administrative costs in the amount of \$1750.

8. If the Infrastructure Maintenance Fee bill is not signed, AT&T Corp. will not activate any end users in Evanston until the financial terms for the City's compensation and or other terms are resolved;

9. AT&T and Evanston recognize that, on or about May 22, 1997, the General Assembly of the State of Illinois passed House Bill 1147, to be enacted as a Public Law of the State of Illinois, and entitled, "The Municipal Telecommunications Infrastructure Maintenance Fee Act ("the Act"). AT&T and Evanston also recognize that AT&T is presently a "telecommunications retailer" engaged in the "sale of telecommunications at retail" to "service addresses" within the City, as these terms are defined in the Act as of the date of execution of this letter;

10. Both parties reserve any rights they have under existing law.

Please let me know that the above are acceptable. I appreciate your efforts with this matter.

Very truly yours,



Susan M. Faccenda

cc: John Fisk
Peter Coules
Senator Thomas Walsh

PROJECT DESCRIPTION

1) General Project Description

AT&T Corp., to enhance the long distance communications network in the Chicago Metropolitan Area, is proposing to construct a fiber optic cable route through portions of DuPage, Kane, and Cook Counties. As a portion of this proposed cable route lies within the corporate limits the City of Evanston, AT&T Corp. is hereby requesting the permits which will be required from the City of Evanston to begin the construction of this fiber optic cable route in complete regulatory compliance.

2) Route Location Within the City of Evanston's Corporate Limits

The Proposed AT&T fiber optic cable route will enter the City of Evanston at the western municipal boundary within the right-of-way of Dempster Street and proceed as follows:

- East within the right-of-way of Dempster Street in existing Ameritech conduit to Ameritech manhole # 327 at Dempster Street's intersection with Elmwood Avenue.
- Beginning at manhole # 327, the route will turn and proceed north along the western side of Elmwood Avenue in existing Ameritech conduit to Elmwood Avenue's intersection with Grove Street.
- From this intersection, the route will turn and proceed East along the north side of Grove Street in existing Ameritech conduit to existing Ameritech manhole # 26 located at Grove Street's intersection with an unnamed alley.
- At this alley, the route turns and proceeds north within the alley right-of-way in existing Ameritech conduit to another alley between Grove and Davis Streets.
- At this second alley, the route will turn and proceed west within the alley right-of-way in existing Ameritech conduit to the alley's intersection with Chicago Avenue.
- At Chicago Avenue, the route will turn and proceed north along the west side of Chicago Avenue in existing Ameritech conduit to Chicago Avenue's intersection with Sheridan Road.

- At this intersection, the route proceeds north along the west side of Sheridan Road in existing Ameritech conduit to Sheridan's intersection with Foster Avenue.
- At this intersection, the route turns and proceeds west along the north side of Foster Avenue in existing Ameritech conduit to Ameritech manhole # 226 just east of Foster's intersection with Maple Street.
- Starting at manhole # 226, the route will cross Foster Avenue northeast to southwest in new-build AT&T conduit, and then proceed south in new-build AT&T conduit along the east side of Maple Street to the northeast corner of Maple's intersection with Garnett Place.
- From this corner, the route will cross Maple Street northeast to southwest in new-build AT&T conduit, turn, and proceed west along the south side of Garnett Place in new-build AT&T conduit to Ameritech manhole # 242 near the intersection of Garnett and Ridge Avenue.
- From manhole # 242, the route will turn and proceed south along the east side of Ridge Avenue in existing Ameritech conduit to Ameritech manhole # 37.5, just south of Ridge's intersection with Emerson Street.
- From manhole # 37.5, the route turns, crosses Ridge Avenue from southeast to northwest in existing Ameritech conduit, and proceeds northwest in existing Ameritech conduit along the east side of Green Bay Road. The route proceeds north along the east side of Green Bay Road in existing Ameritech conduit to Green Bay's intersection with Isabella Street, where the route exits the northern municipal boundary of the City of Evanston.

The total route footage located within the City of Evanston's municipal boundaries will be approximately 25,655 linear feet. Of this 25,655 linear feet, the quantity and type of construction required will be as follows:

- a) 24,267 linear feet - install AT&T's fiber optic cable into an existing Ameritech conduit system.
- b) 1,388 linear feet - construct a new-build AT&T conduit system into which AT&T's fiber optic cable will be installed.

Of the 25,655 linear feet of cable route which will be installed within the City of Evanston's municipal boundaries, only 17,474 linear feet will actually be installed within the City of Evanston's rights-of-way. Of this 17,474 linear feet, the quantity and type of construction is as follows:

a) 16,086 linear feet - install AT&T's fiber optic cable into an existing Ameritech conduit system.

b) 1,388 linear feet - construct a new-build AT&T conduit system into which AT&T's fiber optic cable will be installed.

3) Permit(s) Required from the City of Evanston

AT&T hereby requests a permit from the City of Evanston to install a fiber optic cable within the City of Evanston's rights-of-way of the following Roads (these areas are highlighted yellow on the attached drawings):

- | | |
|---------------------|--------------------|
| 1) Elmwood Avenue | 6) Foster Street |
| 2) Greenwood Street | 7) Maple Avenue |
| 3) Chicago Avenue | 8) Garnett Place |
| 4) Grove Street | 9) Ridge Avenue |
| 5) 2 unnamed alleys | 10) Green Bay Road |

4) Construction Methods of Procedure

Installation of the Fiber Optic Cable

The installation of this fiber optic cable within the City of Evanston's municipal limits will be accomplished by a combination of open trenching to place a new-build AT&T conduit system, directional boring to place a new-build AT&T conduit system, and by pulling or blowing the fiber optic cable into the new-build AT&T conduit system, as well as sections of an existing Ameritech conduit system.

Trenching excavation shall be accomplished by hand digging, using mechanical trenching machinery, or by using backhoes, depending on the location of nearby utilities, hazards, and obstructions. The trenching method of installation may be used in both soiled areas and areas covered with asphalt or concrete (if a permit is received to cut and repair an area covered by asphalt). In cases where asphalt areas will be cut, they will be repaired according to the governing agencies specification. In

most cases, trenches will not exceed widths of 18 inches and depths of 42 inches. Under normal stable soil conditions, shoring will not be required unless the soil poses unique caving hazards.

No trenches or other excavations will be left open overnight unless AT&T and/or their contractor have received written permission from the proper governing agency. After completion of construction in areas where trenching was utilized, the trenches will be backfilled and compacted to their original contour, stabilized, and re-vegetated (if applicable) per the methods described below under "Backfilling, Compaction, and Restoration".

The directional boring method of installation may be used at stream, river, road, and railroad crossing. Directional boring may also be utilized when necessary for the crossing of pipelines, utilities, or other obstacles.

Directional boring is a specialized method of boring utilizing state-of-the-art equipment to place pipe underground. Using a highly sophisticated guidance system, virtually any type of soil condition from sand or clay to solid rock can be bored. Directional boring at any crossing offers the security of maximum cover, minimal disruption to the environment, and limited disruption to the river, highway, road, or other obstacle being traversed. All underground clearances will have been made prior to directional boring, and all existing facilities will be identified, located, and marked.

Conventional boring may also be utilized when necessary for the crossing of pipelines, utilities, or other obstacles. Conventional boring involves pipe placement through an augured hole, by jacking as the soil is removed by an auger, or by jacking directly through the soil. This method of installation will not be performed in a manner which will disrupt traffic or damage the sub-grade, and will provide accurate alignment and grade of the pipe. Small amounts of water may be utilized as a lubricant in the boring or jacking operation. All underground clearances will have been made prior to directional boring, and all existing facilities will be identified, located, and marked.

Pulling the cable into the existing and new-build conduit shall be accomplished by entering the new-build and existing manholes and using motorized equipment to pull the fiber optic

cable through an innerduct within the new-build and existing conduit.

Blowing the cable into the existing and new-build conduit shall be accomplished by entering the existing and new-build manholes and using air-assisted hydraulic equipment to place the fiber optic cable into an innerduct within the conduit.

Safety

All work will be performed in accordance with Occupational Safety and Health Act (OSHA) requirements. Special requirements of federal, state and local governments or any other agency exercising jurisdiction will be strictly adhered to.

Protection of Public and Private Property

The contractor will repair any damage to streets, roads, highways, shoulders, ditches, embankments, culverts, bridges, and other public and private property.

For a period of one year from the date of project completion, it will be the responsibility of AT&T's contractor to maintain all areas disturbed by construction.

All fire hydrants and water control valves shall be kept free from obstruction.

Traffic control/public safety devices will be used when working on, adjacent to, or near streets, roads, and highways in accordance with the requirements of the governing body(ies) exercising jurisdiction.

Erosion Control

The satisfactory control of soil erosion during construction is a very important part of this project. This will be carried out in such a manner to ensure the stability of the trench and the adjacent right-of-way.

To minimize soil erosion, the following guidelines will be employed:

a) Vehicular and equipment traffic on the cable right-of-way will be kept to a minimum.

b) All equipment will be restricted to the cable right-of-way or temporary construction easement. Existing vegetation will not be disturbed any more than necessary.

In addition to these methods of soil erosion, the following methods of will be employed as needed:

Tracking:

Any soil or sediment reaching a public or private road will be removed before the end of each work day by sweeping or shoveling, not flushing.

Drain Inlet Protection:

All storm drains and areas which drain directly into streams, ponds, rivers, or other bodies of water will be protected by silt fences, silt barriers, or anchored straw bales and fabric. The barriers will be constructed so that the fabric is buried to a depth of 4 inches into the undisturbed bottom of the trench, backfilled with soil and compacted. The fabric may also be secured by washed stones placed 6 inches above ground level. The straw bales will be placed in a 4 inch trench, anchored, voids filled, and fabric will be placed on the side of the direction of water flow. The construction methods used for these types of sediment barriers will force the sheet wash to pass through the fabric, not under it. This will trap sediment which could contaminate associated bodies of water.

Markers and Signs

The intent of placing markers and signs is to maximize the protection of the cable by clearly delineating the presence and path of the subsurface cable route. They also warn the public that advanced notice must be given when excavating in the vicinity of the cable route.

Marker poles may be either wood, concrete, or PVC. In general, wood poles are used in rural areas while concrete poles are used in urban areas. White or orange markers provide a highly visible installation. In urban areas where wood, concrete, or PVC poles would be objectionable, flush mounted curb markers can be used. The markers will be

placed at line-of-site intervals so that the direction of the route is clearly indicated. Adjacent markers should be visible each way from an adjoining marker, but not more than 1,000 feet away, if the land permits. Markers will be placed at or near the location of each splice, at points where the route changes direction, and at other points where areas or at locations likely to be objectionable to property owners will be avoided. Signs will be located at entrances to property traversed by the cable and points where the cable is in close proximity to highways, railroads, pipelines or other obstructions.

Backfilling, Compaction, and Restoration

Backfilling and compaction shall begin as soon as the corresponding trenching or pot-holing work is complete.

Backfilling will be compacted and shaped to the original contour and drainage.

Material for backfill shall be composed of earth only and will not contain logs, stumps, frozen debris, wood, grass, roots, broken concrete, trash or other debris. Rock debris exceeding 3 inches in diameter will not be placed in the trench on top of the initial backfill.

Backfill material will be placed and compacted in uniform layers not exceeding 8 inches in thickness.

For a period of one year after the completion date of this project, AT&T's contractor will be held responsible for all trenches and pot-holes which settle after backfilling and compaction. Any areas which settle will be reopened to the depth of satisfactory compaction, refilled, and re-compacted.

Restoration of disturbed areas to their original contours with seeding, to stabilize these areas, will be done as soon as practical to reduce erosion. Trees and shrubs native to the area will be planted to provide the necessary screening where existing vegetation cannot be saved for this purpose.

Approved By: _____
(Signature) (Printed Name)

Date: _____ Title: _____