



Legislation Text

File #: 12-1416, **Version:** 1

Resolution to Approve Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Washington Heights Street (**8 Votes Required**)

The City and the University of Michigan have reached agreement on a template for a long term occupancy agreement to be used for new installations of University facilities in City rights-of-way. The University has insisted that each occupancy agreement be processed as if the document grants to the University an interest in land, even if it doesn't. The City does not believe that the occupancy agreement grants to the University any interest in land. As drafted, it grants to the University an interest in land only to the extent it grants to the University, by its terms, an interest in land. Nevertheless, in accordance with the University's request, but without agreeing that the agreement grants an interest in land, the document is being submitted to City Council for approval with a requirement of 8 votes as if it granted an interest in land.

The attached Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Washington Heights Street. The purpose of the conduit is to be able to install new fiber optic cables to better serve Ronald McDonald House (RMH), which is located at 1600 Washington Heights. RMH houses families of patients admitted at the University of Michigan hospital. With the construction of the new Children & Women's Hospital, RMH wants to have a better internet connection so families can see or view their child patient from RMH instead of being at the hospital. Currently RMH has a very old and slow internet connection that does not allow internet video services. By connecting RMH with the University's ITS fiber optic network, this objective can be achieved. The connection requires installation of a 3" ITCom conduit crossing Washington Heights Street to connect RMH with an existing ITS manhole just east of Mary Markley Hall. Once this conduit is installed, the new fiber optic cables can be pulled between the two facilities and connections will be made for the video service to serve patient families.

The University has already paid all fees required for the review and approval of the installation of the conduit facilities in Washington Heights Street, and will pay for all permits required for the construction. The agreement provides for the University to reimburse the City the costs and expenses incurred by the City while the University is constructing, maintaining, repairing and/or removing the conduit facilities, to the extent necessitated by that work. In addition, if the City performs work in Washington Heights Street, the agreement also requires the University to reimburse the City any additional costs the City incurs for that work due to the University's conduit facilities in that location.

Approval of this right-of-way occupancy agreement is recommended.

Prepared by: Abigail Elias, Chief Assistant City Attorney

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, The University of Michigan has requested permission to place and maintain conduit

facilities within Washington Heights Street to connect Ronald McDonald House, located at 1444 Washington Heights, with an existing ITS manhole just east of Mary Markley Hall, to be used for fiber optic cables; and

Whereas, The proposed agreement uses a form of long-term occupancy agreement with terms and conditions that City and University staff reached agreement on to govern the placement and maintenance of University facilities such as these within the City's rights-of-ways;

RESOLVED, That City Council approves the Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Conduit Facilities within Washington Heights Street;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said Agreement after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.

Sponsored by: Councilmember Higgins