

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
APPROVING AND AUTHORIZING EXECUTION OF AN ENCROACHMENT
AGREEMENT WITH MCIMETRO ACCESS TRANSMISSION SERVICES CORP.
D/B/A VERIZON ACCESS TRANSMISSION SERVICES FOR INSTALLATION AND
USE OF UNDERGROUND CONDUIT AND AUTHORIZING ENTRY INTO
SUBSTANTIALLY SIMILAR AGREEMENTS IN THE FUTURE**

WHEREAS, MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services ("MCImetro") is a facilities-based local exchange service with an approved certificate of public convenience and necessity from the California Public Utilities Commission; and

WHEREAS, telecommunications service is an important element of life in the San Francisco Bay Area and in Burlingame specifically; and

WHEREAS, MCImetro's installation of conduit shall be subject to the terms and conditions of an encroachment permit and an Encroachment Agreement; and

WHEREAS, the Encroachment Agreement states that MCImetro shall provide the necessary assurances and covenants so that the installation of the conduit will not interfere with the use of the property by the City, and MCImetro shall remove or relocate the conduit should the needs of the City require such action in the future; and

WHEREAS, Council review is not required for future substantially similar Encroachment Agreements with telecommunications service carriers for the installation of underground conduits.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Manager is authorized to execute the Encroachment Agreement attached as Exhibit A on behalf of the City of Burlingame.
2. The City Manager is authorized to enter into substantially similar future agreements that ensure equal or better protections to the City's interests, provided, however, that if any material terms in a subsequent negotiated agreement differ in a manner that could injure the City's interests, such agreement must come to Council for approval prior to execution.

Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on the 15th day of April, 2019, and was adopted thereafter by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

City Clerk