



# City Council Report

**Date:** December 1, 2022  
**To:** City Council  
**Through:** Scott Butler, Assistant City Manager  
**From:** Ian Linssen, Assistant to the City Manager  
Lori Greco, Right of Way Manager  
**Subject:** Conduit Occupancy Agreement for Google Fiber, LLC  
  
Council Districts: all

## Purpose and Recommendation

The purpose of this report is to request Council approval for a resolution authorizing the City of Mesa to enter into a Conduit Occupancy Agreement for Google Fiber, LLC (Google Fiber).

Staff recommends that Council authorize the City Manager to execute this Conduit Occupancy Agreement on behalf of the City.

## Background & Discussion

On July 11, 2022, the City and Google Fiber entered into a Fiber License Agreement whereby the City gave permission to install and operate a communications network in the streets, rights-of-way, and public easements within the City. Google Fiber requests a Conduit Occupancy Agreement to use a portion of the City's existing conduit duct bank system to install fiber optic cables.

The Conduit Occupancy Agreement will be approved when the associated individual "Conduit Request" addendum is signed by both parties. The term for each "Conduit Request" is twenty (20) years unless terminated by Google Fiber or the City.

The City may terminate any approved "Conduit Request" no sooner than ten years following the commencement date, provided the City can show that termination is necessary to satisfy a public need or to accommodate public infrastructure. The City Engineer may lengthen the ten-year period described above to up to twenty (20) years for that specific Conduit Request.

In the event Google Fiber must relocate any of its fiber optic cables or equipment to accommodate a City project, Google Fiber shall bear 100% of its individual relocation costs.

**Alternatives**

City Council could choose not to authorize this Conduit Occupancy Agreement. City staff does not recommend this because not approving this license will prevent Google Fiber the opportunity to rent City conduit.

**Fiscal Impact**

The annual occupancy fee will be negotiated upon conduit request for the use of any facilities, plus a two percent (2%) annual escalation fee.

There is no cost to the City for the execution of this license.

**Coordinated With**

City Attorney's Office  
Innovation and Technology  
City Manager's Office  
Engineering Department