

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Action Agenda Communication Form

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| <b>ITEM DATE:</b> April 17, 2018 | <b>ITEM TIME:</b> Consent Agenda |
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| <b>FROM:</b>         | Tom Sullivan   |
| <b>TODAY'S DATE:</b> | April 11, 2018   |
| <b>AGENDA TITLE:</b> | Consideration to approve and sign the First Amendment to the Indefeasible Right of Use Agreement between Routt County, Colorado and Northwest Colorado Broadband, Inc. |

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| <b>CHECK ONE THAT APPLIES TO YOUR ITEM:</b>            |  |
| <input checked="" type="checkbox"/> <b>ACTION ITEM</b> |  |
| <input type="checkbox"/> <b>DIRECTION</b>              |  |
| <input type="checkbox"/> <b>INFORMATION</b>            |  |

**I. DESCRIBE THE REQUEST OR ISSUE:**

The original IRU was approved on August 8, 2018 and assigns to the Northwest Colorado Broadband, Inc. (NCB) entire fiber optic build project network (Network). This allows the NCB to provide services to Routt County and the other Project entities to operate and maintain the Network on behalf of each entity including the trunk and lateral lines to the building facilities of each entity. This amendment corrects an error in the number of strands of fiber optics that County owned in the lateral line to the Colorado Mountain College (CMC) campus.

**II. RECOMMENDED ACTION:**

**Motion to approve and authorize the Chair to sign the First Amendment to the Indefeasible Right of Use Agreement between Routt County, Colorado and Northwest Colorado Broadband, Inc.**

**III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):**

|                              |    |
|------------------------------|----|
| <b>PROPOSED REVENUE:</b>     | NA |
| <b>PROPOSED EXPENDITURE:</b> | NA |
| <b>FUNDING SOURCE:</b>       | NA |

**IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):**

The completion of this amendment changes the number of fiber optic strands to CMC from 48 to 12.

**V. BACKGROUND INFORMATION:**

The August 2017 IRU incorrectly stated County ownership and IRU to the NCB of 48 strands. The CMC lateral actually contains 2 fiber optic cables with one containing 48 strands and the other 12. The DOLA funded project only paid for the 12 strand cable and CMC completely funded the 48 strand cable. This amendment changes the number of strands in the IRU transferred to the NCB.

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| <b>VI. LEGAL ISSUES:</b>   |
| The IRU agreements were drafted by the NCB attorney and reviewed and approved by the County Attorney's Office. |
| <b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>   |
| NA   |
| <b>VIII. SUMMARY AND OTHER OPTIONS:</b>  |
| Need to correct the error.   |