

RESOLUTION NO. 2022-143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR
TO EXECUTE, ON BEHALF OF THE CITY, A RIGHT-OF-
WAY ENCROACHMENT AGREEMENT WITH SIFI
NETWORKS ESCONDIDO, LLC

WHEREAS, SiFi desires to install a fiber optic network system ("System") in the City of Escondido's ("City") public right-of-way ("Public Way") and the City desires to allow such a System for community benefit; and

WHEREAS, SiFi owns the rights to the FOCUS proprietary fiber optic cable System technology; and

WHEREAS, the City has agreed to grant SiFi permission to access and use the Public Way to install, operate, and maintain the System, subject to the terms and conditions of this Agreement; and

WHEREAS, SiFi plans to allow the City to use the System for governmental internal data communication and non-retail purposes, subject to a separate agreement to be negotiated in good faith between the Parties, at a rate substantially less than current market rate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California as follow:

1. That the above recitations are true.
2. That the City Council authorizes the Mayor to execute, on behalf of the City, a Right-of-Way Encroachment Agreement with SiFi Networks, Escondido LLC, in a substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "A", and subject to final approval as to form by the City Attorney.

