

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on June 11, 2018, at 6:00 p.m. in the meeting room of the Plymouth Fire Department, 111 N. Center St., Plymouth, IN.

Mayor Senter presided for Board Members Culp, Houin, Milner and Walters. City Attorney Surrisi and Clerk-Treasurer Xaver were also present.

Board Members Houin and Walters moved and seconded to approve the minutes of the last regular session of the Board of Public Works and Safety on May 21, 2018. The motion carried.

Utility Superintendent Davidson gave an update on the West Lake Avenue Water Main Extension Project. All easements have been secured for the project and the Notice to Proceed was issued today. The project, to extend water out to the new assisted living facility, Autumn Trace, is expected to begin in the next two weeks. The original plan was to directional drill 10" polyethylene pipe around the curve and connect it to another line of pipe but due to a hurricane in Houston last year, their facility has been shut down and have minimal production. There is a four to five month delay on materials, so they have chosen to go a different direction. They will be open cutting the project, even around the curve. The material is available and they have discussed it with the property owners who have given them the easements informing them that there will be a little bit more disruption. The price per foot remains the same, but there may be a little bit more restoration cost associated with the project. Due to the timing of Autumn Trace needing water for construction, it is their best option.

Street Superintendent Marquardt reviewed the following sidewalk request:

05/23/2018 – Sidewalk is broken apart and is a tripping hazard. Resident has resided here for many years and it has continued to get worse. They finally had a tree removed which heaved the sidewalk through the years. (Tree was removed last week). S/Ann LeHue (daughter of Eugene & Pauline Baughman), 506 Berkley St., Plymouth, 574-780-6920.

Marquardt stated that it falls into the 3D area of the ADA Transition Plan. The sidewalk is rough and broken up. The intersection has been done through the Paving Projects so this could be a fill-in area later down the road. Everything approved up to now will probably more than take up this year's budget.

City Attorney Surrisi, on behalf of City Engineer Gaul, presented the Right of Way request for PEG Bandwidth IL, LLC to perform work in the City's Right of Way to directional bore fiber optic line in a single 1-1.5" HPDE duct in the City ROW. It is the largest single installation of fiber since the city's fiber installation

**LICENSE AGREEMENT
FOR ACCESS TO PUBLIC RIGHT-OF-WAY**

THIS LICENSE AGREEMENT ("License Agreement") is entered into this 11th day of June, 2018 by and between the BOARD OF PUBLIC WORKS AND SAFETY FOR THE CITY OF PLYMOUTH, INDIANA ("Owner") and PEG BANDWIDTH IL, LLC / HUL-CON CORPORATION ("Licensee"). Owner grants to Licensee a right to enter upon property of Owner, said property as shown on attached Exhibit A, to directional bore fiber optic line in a single 1-1.5" HPDE duct in the City Right of Way as noted below:

- Approximately 7,670 lft of line of PLYMOUTH INDIANA BACKBONE – Segment One Along the north Right of Way Line of Jefferson Street starting at the West Corporation Limit Line as shown on Sheet 3; then to the west Right of Way Line of SR 17 (North Michigan Street) as shown on Sheet 15. Excepting the Railroad property as shown on Sheet 13.
- Approximately 3,770 lft of line of PLYMOUTH INDIANA BACKBONE – Segment Two on the east Right of Way Line of Pioneer Drive starting at the South Corporation Limit Line as shown on Sheet 5 to the South Right of Way Line of US 30 as shown on Sheet 11.
- Approximately 890 lft of line of PEG SITE: SBDIN010VZ1 – Blueberry Festival 1 on the south side of Plymouth-Goshen Trail starting at the west Right of Way Line as shown on Sheet 01 to the East Corporation Limit as shown on sheet 02. Then approximately 490 lft of line on the west Right of Way Line of Randolph Street starting at the south Right of Way Line of Plymouth-Goshen Road (Corporate Limit Line) as shown on Sheet 03 to the south of Chuck Glaub Drive as shown on Sheet 03 with the exception as noted below.¹
- Approximately 810 lft of line of PEG SITE: SBDIN008VZ1 – Blueberry Festival 2 starting at the east side of SR17 (Michigan Street) then north to south of the Centennial Park Access Road entrance then east along the south of the access drive then south to the handhole.²
- Approximately 1,820 lft of line of PEG SITE: SBDIN009VZ1 – Blueberry Festival 3 starting at the east side of SR17 (Michigan Street); then east along the north Right of Way Line of Baker Street to the west Right of Way Line of Randolph Street; then north along the west Right of Way line of Randolph Street; to an area just east of the proposed small cell tower.
- Approximately ---1,750--- lft of line of PEG SITE: SBDIN011VZ1 – Blueberry Festival 4 Starting at the handhole at the southwest corner of Randolph Street and Chuck Glaub Drive.¹ Then south along the west Right of Way Line of Randolph Street to ~20' past the south edge of pavement of Becknell Street; then east to just past the sidewalk on Randolph Street; then north and east around the approach radius for Becknell (east of Randolph); then east to a point south of the proposed small cell tower then north across Becknell to the proposed small cell tower site.

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¹ Placement of the handhole shall be moved away from Chuck Glaub Drive and be placed within 3' of the west ROW Line of Randolph Street and ~15' south of the Chuck Glaub edge of pavement. [Note: Chuck Glaub is a Park Street with no Right of Way.]

² Cable/conduit shall be placed in a recorded easement on Park Property. Cable/conduit shall be placed a minimum of 60" deep in all Park property.

1. **GRANT OF LICENSE** In order to perform this project, Owner grants to Licensee license to enter upon the right-of-way located generally as described above with the additional installation notes to 'Directional Bore lines in the City right of way' and 'All pedestals and lines on private property; permission must be obtained from the Owner(s) to install' for the purpose described as follows:

To perform the work necessary, as outlined in the June 11, 2018 Board of Public Works PW-17-012 Project Notations Summary documentation, for the installation of coax cable in a 1-1.5" HDPE duct as depicted in the attached PEG Bandwidth IL, LLC submittal and City Notes.

2. **TERM OF LICENSE AGREEMENT** The license herein granted shall be effective on the date first above written and shall continue in effect until the earliest of the following events:

2.1 The date by which Licensee or its successor in interest completes its installation of the duct/cable; or,

2.2 Such time as the license may be revoked by Owner, with reasonable notice to Licensee, due to Licensee's material breach of any of the terms of the License Agreement.

3. **TERMINATION** This License Agreement shall terminate and Licensee's rights shall cease upon the expiration of the terms of this License Agreement as set forth in Paragraph 2. On or before the termination, Licensee shall remove any and all equipment installed or otherwise used on the property and shall restore the property to the condition in which it existed prior to the signing of this License Agreement.

4. **INDEMNITY** Licensee shall indemnify and hold harmless Owner from all actions, claims, demands, liabilities, and damages which may be imposed on or incurred by Owner as a consequence of any act or omission on the part of the Licensee or Licensee's contractor in the exercise of its rights under this License Agreement. Owner will not incur any expense for the installation or maintenance of the duct/cable at issue.

5. **FINANCIAL GUARANTEE** Licensee agrees to post the cash sum as noted below:

<u>PROJECT</u>	<u>LENGTH</u>	<u>FINANCIAL GUARANTEE*</u>
PLYMOUTH INDIANA BACKBONE – Segment One	7,670	\$ 15,000
PLYMOUTH INDIANA BACKBONE – Segment Two	3,770	\$ 10,000
PEG SITE: SBDIN010VZ1 – Blueberry Festival 1	1,308	\$ 5,000
PEG SITE: SBDIN008VZ1 – Blueberry Festival 2	810	\$ 5,000
PEG SITE: SBDIN009VZ1 – Blueberry Festival 3	1,820	\$ 5,000
PEG SITE: SBDIN011VZ1 – Blueberry Festival 4	1,750	\$ 5,000

as a project financial guarantee of the faithful performance of the conditions set forth in this License Agreement and the City of Plymouth Board of Public Works & Safety Project Notations Summary, particularly the condition of restoring the property to the condition in which it existed

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prior to the signing of this License Agreement. Upon faithful performance of the conditions set forth in this License Agreement, City of Plymouth Board of Public Works & Safety Approval Notations, '811 underground locate' verification and the project financial guarantee posted by Licensee shall be released and returned to Licensee within sixty (60) days of the written completion notice with '811 underground locate' verification and 'as-built' drawings presented to the City Engineer of the termination of this License Agreement as described in Paragraph 2. The determination of the faithful performance of the conditions set forth shall be at the sole discretion of Owner. The release of the financial guarantees does not release PEG Bandwidth IL, LLC / Hul-Con Corporation and/or their Representative(s) from repairing 'latent damages'.

6. **RISK OF LOSS** This License Agreement is an accommodation to Licensee, who agrees to exercise those privileges in good faith and at its own risk.


7. **GOVERNING LAW** The law of the State of Indiana shall apply to the interpretation of this License Agreement and to the resolution of any disputes arising out of the matters set forth herein.

IN WITNESS WHEREOF, the parties hereto have executed the License Agreement at their respective locations the day and year first above written.

OWNER:
Board of Public Works and Safety for the
City of Plymouth, Indiana



Mark Senter, President

Attest 

Jeanine M. Xaver, Clerk-Treasurer

LICENSEE:
HUL-CON CORPORATION

Name

Title

Address

Date

LICENSEE:
PEG Bandwidth IL, LLC/ Uniti Fiber

Name

Title

Address

Date

Board Members Houin and Walters moved and seconded to approve the License Agreement for Access to Public Right-of-Way with notations added in Gaul's memo. The motion carried.

Mayor Senter presented the following request:

05/2/2018 – Remove 2 hour parking limit on Water Street between Garro and Washington Streets. S/Mark Senter, Mayor.

Board Members Houin and Milner moved and seconded to approve the removal of the 2-hour parking, as requested. Motion carried.

Roy Roush addressed the board regarding ruts on West Jefferson Street. The ruts are between the pavement and the yard and are now 6-7" deep. Nothing has been done since he received an e-mail from the City Office six months ago. Roush said that right now the ruts are just filled with dirt and when it rains, the dirt is carried down the hill by the flowing water and then the City just pushes the dirt back up the hill, only for it to happen all over again. He suggested that the City dig dirt out and add aggregate. He stated that it would be heavy enough that the water would not push it away, it would be a rough surface so it would slow the water down and it would not be a permeate, it would be porous, so water could soak in as the water is running down the hill and there would not be so much water pooling

at the bottom of the hill by the city limits. Roush said he now has to have front end alignments on both of his vehicles because of the 6-7” deep ruts. He said now the edge of the pavement is breaking away both on the North side where the garbage trucks drive off and there’s a drop-off between the pavement and the dirt. It’s also breaking away on the South side where Ozinga’s cement trucks come in and off of the pavement onto the shoulder. He said that pretty soon, West Jefferson Street is going to need repaired and feels that something should be done. Street Superintendent Marquardt said that he spoke with James Stone, who recommended \$20,000 -\$25,000 in material, which is not in the city budget. Marquardt is to get together with Engineer Gaul to discuss a possible solution and report back to the board at the next meeting.

Board Members Houin and Walters moved and seconded to approve the claims for June 11, 2018. Motion carried.

Acceptance of the following communications were moved by Walters and seconded by Culp:

- Plymouth Fire Dept. Departmental Activity Report – May, 2018

The motion carried.

There being no further business to discuss, Members Milner and Walters moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 6:25 p.m.

Jeanine M. Xaver, IAMC, CMC
Clerk-Treasurer

APPROVED:

Mark Senter, Mayor
