

RESOLUTION NUMBER R- 299295

ADOPTED ON JUN 07 2004

WHEREAS, pursuant to R-298733, the City of San Diego has vacated the public right of-way area of K Street, between 11th Avenue and 12th Avenue, in the City of San Diego, State of California, for the purpose of constructing a new public library; and

WHEREAS, ICG Telecom Group, Inc., a provider of telecommunication services, currently maintains four 2" poly-ducts and fiber-optic cable [Underground Facility] within the vacated area; and

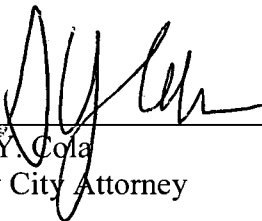
WHEREAS, ICG Telecom Group, Inc.'s Underground Facility will not interfere with construction of the public library; and

WHEREAS, ICG Telecom Group, Inc., agrees to use its Underground Facility within the vacated area, subject to the terms and conditions of a Use Permit on file in the Office of the City Clerk as Document No. RR- 299295.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a Use Permit Agreement with ICG Telecom Group, Inc., for maintaining their underground installations in accordance with the terms of the Agreement on file in the office of the City Clerk as Document No. RR 299295 together with any reasonably

necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

APPROVED: CASEY GWINN, City Attorney

By 

Susan Y. Cola
Deputy City Attorney

SYC:sc
05/14/04
Aud.Cert.: N/A
Or.Dept: E&CP
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