

AGREEMENT

AGREEMENT (the "Agreement") made and entered into as of September 26TH, 2016, by and between the City of Sioux City, Iowa (the "City"), Woodbury County, Iowa (the "County"), Siouxland Tri-State Area Radio Communications ("Starcomm") and FiberComm, L.L.C. ("FiberComm").

Background

A. The County has installed underground conduit from 6th Street and Lewis Boulevard to 4647 Stone Avenue as part of the Siouxland Tri-State Radio Communications ("Starcomm") fiber network ("Conduit A") which is currently empty/unoccupied, as shown on the attached Conduit A.

B. The City has access to a currently empty/unoccupied FiberComm conduit under a separate agreement with FiberComm dated November 26, 2012, pursuant to Resolution No. 2012-0825, from Hamilton Boulevard to Riverside Boulevard on West 19th Street, ("Conduit B") which is currently empty/unoccupied, as show on the attached Conduit B.

C. The parties have agreed that FiberComm will provide and install fiber optic cable, conduit and splicing services as set forth below in return for the right to use and occupy the Conduit A owned by the County.

Terms

NOW, THEREFORE, the parties agree as follows:

1. Obligations of the County.

(a) The County will own, operate and maintain the existing County Conduit described in Background Paragraphs A.

2. Grant of Rights to FiberComm. The County grants FiberComm the right and license to install, operate, and maintain fiber cable and place additional splice vaults, in which FiberComm will have unconditional use within the existing spare 2" Conduit A between the locations described above in Background Paragraph A for operating (including splicing), testing, maintenance, or any other reasonable purpose, at any splice vaults or hand hole on the Conduit A or at any other locations where the fiber optic cable may be accessed. It is acknowledged by the parties that FiberComm's right to use the Conduit A is exclusive and that the County continues retain ownership of the conduit.

3. Obligations of FiberComm.

(a) FiberComm shall provide all labor and material for installation and connection at the initial time of installation of one (1) ninety-six (96) fiber between Hamilton Boulevard and Riverside Boulevard in the conduit described in the above Paragraph B. FiberComm shall provide all labor and material of one (1) twelve (12) fiber