

September 15, 2020

Mr. Darrell Pettis, County Administrator  
Le Sueur County  
88 South Park Avenue  
Le Center, MN 56057

Re: Letter Agreement for Construction of Fiber Optic Route – Kasota to Ottawa

Dear Mr. Pettis:

This Letter Agreement (“Agreement”), effective as of the date first written above (the “Effective Date”), is by and between Jaguar Communications, Inc. d/b/a MetroNet (“MetroNet”) and the County of Le Sueur, Minnesota (“County”). The County and MetroNet are sometimes referred to herein as a “Party” and collectively as the “Parties”.

The County wishes for MetroNet to extend its fiber based communications services to underserved areas of the County by constructing a multiple fiber route within the County as more particularly described in Exhibit A (“Fiber Route”). MetroNet is willing to construct the Fiber Route subject to the following terms and conditions.

1. Grant. To induce MetroNet to build the Fiber Route and offer fiber-based services to previously underserved areas of the County, the County shall pay MetroNet a one-time fee of \$150,000.00 (“Grant”). Payment in full shall be received by MetroNet no later than November 30, 2020.
2. Fiber Route. As soon as practical after the Effective Date, MetroNet shall start construction of the Fiber Route and, subject to any exceptions set forth in Section 3 below, shall complete construction of the Fiber Route no later than December 31, 2020. Thereafter, MetroNet shall own, operate and maintain the Fiber Route in conformity with industry standards.
3. Force Majeure. Neither Party shall be liable to the other Party for any delay, impairment or failure to perform during any period in which such delay, impairment or failure is (i) due to causes beyond its control and reasonable anticipation, and (ii) without such Party’s fault or negligence, including but not limited to fires, floods, epidemics, pandemics, quarantine restriction, war, labor dispute, freight embargoes, etc. A Party whose performance is impaired by such an event shall exercise commercially reasonable efforts to mitigate the extent of such delay or failure.

4. Miscellaneous. This Agreement constitutes and embodies the full and complete understanding and agreement of the Parties hereto with respect to the subject matter hereof and supersedes all prior understandings or agreements, whether oral or in writing. This Agreement may not be amended or modified in any way except by a writing signed by the authorized representatives of the Parties. No failure to exercise and no delay in exercising any right, power, or privilege hereunder shall operate as a waiver. If any provision of this Agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the Parties. The laws of the State of Minnesota shall govern all interpretation of this Agreement. Each Party represents and warrants that it has all approvals necessary or required to enter into this Agreement. This Agreement may be executed in separate counterparts, each of which when executed and delivered (including, without limitation, via pdf transmission) will be deemed an original and all of which together will constitute the same Agreement and will be binding upon the Parties hereto.

Accepted and agreed to as of the date first written above

Jaguar Communications, Inc. d/b/a MetroNet

By: \_\_\_\_\_

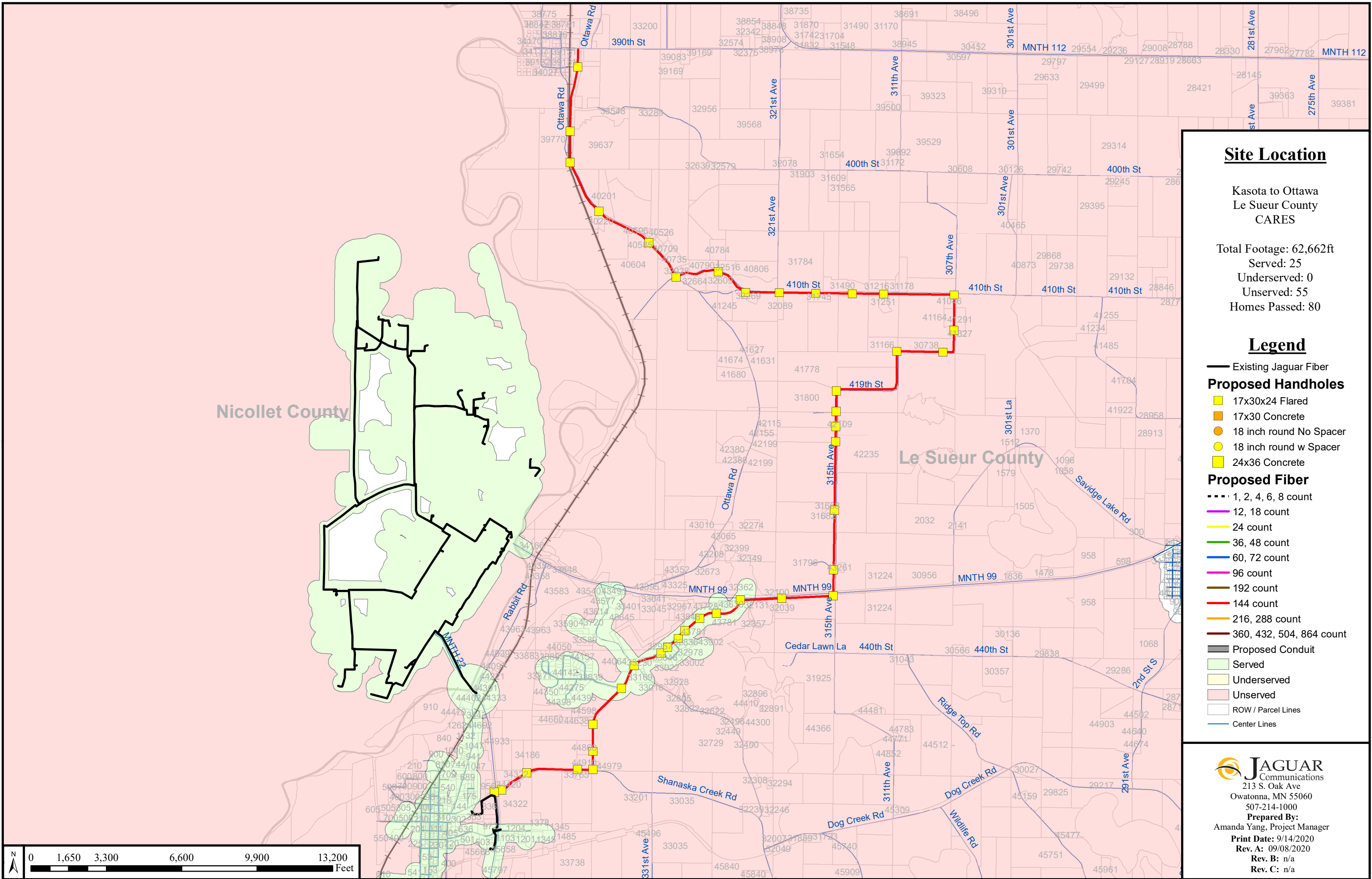
Its: \_\_\_\_\_

County of Le Sueur, Minnesota

By: \_\_\_\_\_

Its: \_\_\_\_\_

EXHIBIT A  
FIBER ROUTE



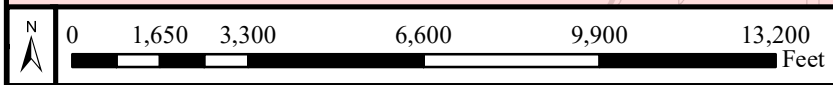
**Site Location**

Kasota to Ottawa  
Le Sueur County  
CARES

Total Footage: 62,662ft  
Served: 25  
Underserved: 0  
Unserved: 55  
Homes Passed: 80

**Legend**

- Existing Jaguar Fiber
- Proposed Handholes**
  - 17x30x24 Flared
  - 17x30 Concrete
  - 18 inch round No Spacer
  - 18 inch round w Spacer
  - 24x36 Concrete
- Proposed Fiber**
  - 1, 2, 4, 6, 8 count
  - 12, 18 count
  - 24 count
  - 36, 48 count
  - 60, 72 count
  - 96 count
  - 192 count
  - 144 count
  - 216, 288 count
  - 360, 432, 504, 864 count
  - Proposed Conduit
  - Served
  - Underserved
  - Unserved
  - ROW / Parcel Lines
  - Center Lines



**JAGUAR**  
Communications  
213 S. Oak Ave  
Owatonna, MN 55060  
507-214-1000  
Prepared By:  
Amanda Yang, Project Manager  
Print Date: 9/14/2020  
Rev. A: 09/08/2020  
Rev. B: n/a  
Rev. C: n/a