

ORDINANCE NO. 4592-15

AN ORDINANCE AUTHORIZING THE CITY OF JOHNSON CITY TO ENTER INTO A CERTAIN RIGHTS-OF-WAY ACCESS AGREEMENT WITH ZAYO GROUP, LLC, WHICH AGREEMENT IS APPENDED TO THIS ORDINANCE AS EXHIBIT "A" AND INCORPORATED BY REFERENCE HEREIN AS FULLY AS IF SET FORTH VERBATIM, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Zayo Group, LLC, a corporation duly authorized to do business under the laws of the State of Tennessee, and is authorized by the Federal Communications Commission to provide telecommunications services; and,

WHEREAS, the aforementioned Zayo Group, LLC, desires to construct, install and operate telecommunications facilities within the public rights-of-way of the City of Johnson City in order to provide telecommunications services within the City; and,

WHEREAS, the aforementioned Zayo Group, LLC, wishes to enter into an agreement with the City of Johnson City for access to its rights-of-way in order to construct, install, and operate the aforementioned telecommunications facilities; and,

WHEREAS, the City of Johnson City wishes to enter into such an agreement for access to its rights-of-way and considers it in the manifest best interest of the City and of its citizens to enter into such an agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That the Mayor be and is hereby authorized to execute on behalf of the City of Johnson City a certain rights-of-way access agreement between the City of Johnson City and the aforementioned Zayo Group, LLC, which agreement is appended to this ordinance as Exhibit "A" and is incorporated in its entirety into this ordinance by reference as fully as if set forth verbatim.

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage on third and final reading as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 10/15/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 11/03/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 11/19/2015

APPROVED AND SIGNED IN OPEN
MEETING ON THE 19th DAY OF
November, 2015
FOLLOWING PASSAGE ON THIRD
READING

/s/ W.C. Stout
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
ATTORNEY FOR THE CITY