

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
MESA, MARICOPA COUNTY, ARIZONA,  
APPROVING AND AUTHORIZING THE CITY  
MANAGER TO ENTER INTO A  
TELECOMMUNICATION LICENSE FOR ELECTRIC  
LIGHTWAVE, LLC FOR AN INITIAL FIVE YEAR  
TERM WITH THE OPTION OF A FIVE YEAR  
EXTENSION TERM.**

WHEREAS, Licensee has applied to the City for a License for the construction, installation, placement, operation and maintenance of an underground optical fiber based, communications network in, on, under, along, and across certain public streets, public rights-of-way, and public easements within the City in order to provide telecommunications services.

WHEREAS, by such authority as may be conferred by Arizona Revised Statutes Sections 9-581 through 9-583 of the Arizona Revised Statutes, the Mesa City Charter, Mesa City Code, federal law, and other provisions of state law, the City wishes to issue a License to Electric Lightwave, LLC; and

WHEREAS, City and Licensee have had discussions to resolve the issue of the per foot fees payable under A.R.S. §§9-582 and 9-583, as to which they have had different approaches, and as a mutually agreeable resolution of this issue, City and ELI have agreed that ELI shall provide in-kind compensation to the City, in lieu of paying such fees, as set forth in the License; and

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY  
OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: The License between the City of Mesa and Electric Lightwave, LLC, regarding the right of way license is hereby approved,

Section 2: The Council of the City of Mesa hereby authorized City Manger Christopher J. Brady, or his designated representative, to enter into the License and execute any other documents needed to implement this License on behalf of the City of Mesa, and authorizes the City Clerk to attest to the signature of the City Manger thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa  
County, Arizona this     day of     , 2015.

APPROVED:

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Mayor

ATTEST:

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City Clerk