

**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  
TELECOMMUNICATIONS LICENSE FOR ELECTRIC  
LIGHTWAVE, LLC FOR AN INTIAL FIVE- YEAR TERM WITH  
THE OPTION OF A FIVE-YEAR EXTENSION TERM.**

WHEREAS, City is authorized to regulate its streets, alleys, public utility easements, utility easements, and other easements; to grant, deny, amend and terminate licenses for and otherwise regulate the installation, operation and maintenance of such facilities within the City's boundaries pursuant to the Mesa City Charter, the Mesa City Code, Title 9, and by virtue of federal (47 U.S.C. § 253) and state statutes (including, but not limited to A.R.S. §§ 9-240, 9-276, 9-581, 9-582, and 9-583), by the City's police powers, its authority over public rights-of-way, and its other governmental powers and authority;

WHEREAS, Electric Lightwave, LLC ("ELI") has asked to install, operate, maintain and repair an underground optical fiber based, communications network ("Telecommunications System") 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; and

WHEREAS, by such authority as may be conferred by Section 9-581 through 9-583 of the Arizona Revised Statutes and amendments thereto, the Mesa City Charter, Mesa City Code, federal law, and other applicable law the City wishes to issue a License to ELI;

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

Section 1: The Telecommunications License between the City of Mesa and ELI is hereby approved,

Section 2: The Council of the City of Mesa hereby authorizes City Manager 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 Manager thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 4th day of May, 2015.

APPROVED:

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Mayor

ATTEST:

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City Clerk