

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 CONDUIT USE
LICENSE FOR ZAYO FIBER SOLUTIONS, LLC FOR
AN INITIAL TEN YEAR TERM.**

WHEREAS, the Licensee represents that it is the holder of all necessary governmental permits to erect and maintain cables, wires and associated equipment (the "Facilities") in the streets, alleys and other public places of the City for the purpose of transmitting communications; and

WHEREAS, the Licensee desires to locate such Facilities in the empty two inch conduit of the Owner (hereinafter collectively called "City System") comprised of approximately four thousand five hundred (4500) linear feet of two-inch schedule 40 PVC conduit ("conduit") located along Main Street between Lindsay Road and Val Vista Drive in Mesa, AZ ("Main Street Area"), in order to avoid expensive and unnecessary duplication of facilities; and

WHEREAS, in connection with its use of the Main Street Area, Licensee may repair, replace or alter the conduit, where permitted by the City; and

WHEREAS, the parties, in 2012, entered into an Amendment to a License Agreement (the "Telecommunications License") with Licensee's predecessor in interest, for the installation, placement, operation and maintenance of an underground optical fiber based, communications network in the City's rights-of-way and easements; and

WHEREAS, the Owner is willing to permit, to the extent it may lawfully do so, the use of Licensee's facilities in the Main Street Area for the above-stated purposes, upon the terms and conditions hereinafter set forth;

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 Zayo Fiber Solutions, LLC, regarding the right of way license is hereby approved,

Section 2: The Council of the City of Mesa hereby authorized 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 18th day of May, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk