

**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 COMMUNICATIONS LICENSE WITH MCIMETRO ACCESS TRANSMISSION SERVICES CORP D/B/A VERIZON ACCESS TRANSMISSION SERVICE 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 MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Service; 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 Licensee have agreed that during the construction and installation of the communications network, they will work together to identify opportunities for Licensee to install empty City-owned conduit on or near major arterial streets, 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 MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Service, regarding the right of way license 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 15th day of October, 2018.

APPROVED:

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Mayor

ATTEST:

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City Clerk