

RESOLUTION NO. 2019-2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE LICENSE AGREEMENT BETWEEN THE CITY OF GOODYEAR AND LEVEL 3 COMMUNICATIONS LLC, A DELAWARE LIMITED LIABILITY COMPANY, PROVIDING FOR THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AMENDMENTS TO THE LICENSE AGREEMENT ASSOCIATED WITH MINOR SCRIVENER ERRORS AND TO ENTER INTO SEPARATE AGREEMENTS FOR IN-KIND EXCHANGES OF FIBER, CONDUIT AND/OR JOINT TRENCHING FOR THE CITY'S USE.

WHEREAS, the city of Goodyear is authorized to grant, renew, deny and terminate Licenses for the installation, operation and maintenance of fiber optic cable within the city's boundaries by federal and state statutes, by the city's police powers, by its authority over its public rights-of-way, and by other city powers and authority; and

WHEREAS, Level 3 Communications LLC, a Delaware limited liability company (Level 3) seeks to obtain a License Agreement under the provisions of Chapter 22 of the Goodyear City Code; and approval of the Mayor and Council of the city of Goodyear, Arizona; and

WHEREAS, the City hereby finds that it would serve the public interest to grant the License Agreement under the terms and conditions as set forth in the License Agreement and Level 3 agrees to obtain the license under the terms and conditions set forth in the License Agreement;

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

SECTION 1. The Mayor and City Council approve the License Agreement between the City of Goodyear and Level 3 Communications LLC, a Delaware limited liability company, a copy of which is attached as Exhibit A.

SECTION 2. The City Manager or her designee is authorized to execute the License Agreement.

SECTION 3. The City Manager or her designee is authorized to execute Amendments to the License Agreement associated with minor scriveners/clerical errors.

SECTION 4. The City Manager or her designee is authorized to enter into separate agreement for in-kind exchanges of fiber, conduit and/or joint trenching for the city's use to offset the annual fee.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Date: _____

APPROVED AS TO FORM:

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk

Exhibit A

**Level 3 Communications, LLC Fiber Optics Telecommunications
Right-of-Way License Agreement**

(on the following pages)