

**THIS IS A DRAFT ORDINANCE AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**AUTHORIZING A RIGHT-OF-WAY LICENSE AGREEMENT WITH
ZAYO GROUP LLC, FOR THE PROVISION OF HIGH SPEED
BROADBAND SERVICE.**

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WHEREAS, communications providers typically gain access to the City’s right-of-way under state law: cable and video providers gain access under Chapter 66 of the Texas Utilities Code, certificated telecommunications providers gain access under Chapter 283 of the Texas Local Government Code, and network providers gain access under Chapter 284 of the Texas Local Government Code; and

WHEREAS, under state law, cable and video providers, certificated telecommunications providers, and network providers are not required to enter into right-of-way license agreements with the municipalities in which they install their communications networks; and

WHEREAS, communications providers that do not gain access to the right-of-way under state law must enter into a right-of-way license agreement with the City; and

WHEREAS, the proposed Right-of-Way License Agreement with Zayo Group LLC, is patterned after the Google Fiber Texas LLC License Agreement approved in Ordinance 2017-11-09-0883; and

WHEREAS, the City’s and Zayo Group LLC, respective rights, duties and obligations are set forth in the proposed Right-Of-Way License Agreement; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Right-Of-Way License Agreement with Google Fiber for the installation, operation, and management of its communications network are hereby approved.

SECTION 2. The City Manager or her designee is authorized to execute the License Agreement, a copy of which, is set out in **Exhibit A**.

SECTION 3. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 207000000290 and General Ledger 4103115.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to

specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage by eight (8) affirmative votes of the City Council. If less than eight (8) affirmative votes are received, then this Ordinance shall be effective ten (10) days after passage.

PASSED AND APPROVED this 7th day of June, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andy Segovia, City Attorney

Exhibit A

DRAFT