

ORDINANCE NO. 01 - 2020

AN ORDINANCE CONFIRMING THE SALE AND AWARDING OF A NON-EXCLUSIVE FRANCHISE TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES FOR A TERM OF FIVE (5) YEARS WITH OPTION TO RENEW UPON MUTUAL AGREEMENT, FOR A TELECOMMUNICATIONS FRANCHISE AND FOR THE CONSTRUCTION, PLACEMENT, MAINTENANCE AND OPERATION OF FACILITIES FOR THE TRANSMISSION, DELIVERY, PROVISION AND SALE OF TELECOMMUNICATIONS SERVICES ALONG, IN, ON, OVER AND UNDER THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF FORT WRIGHT, KENTUCKY ("CITY"), ALL UPON THE TERMS, CONDITIONS AND COVENANTS CONTAINED IN THE TELECOMMUNICATIONS FRANCHISE AGREEMENT.

WHEREAS, Resolution No. 11-2019, adopted by the City Council, on December 18, 2019 (the "Establishment Resolution"), provided for the creation, establishment and sale of a non-exclusive franchise for a term of five (5) years to construct, install, replace, repair, monitor, maintain, use, operate and remove facilities and related equipment and appurtenances for the transmission, distribution, delivery and sale of telecommunications services from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of telecommunications services and other related telecommunications purposes; and

WHEREAS, the said Establishment Resolution also established a sealed bid process which includes advertising the invitation for bids, and awarding the franchise to the successful bidder(s); and

WHEREAS, after such publication of such advertisement the City received a timely bid from MCImetro Access Transmission Services Corp. (d/b/a Verizon Access Transmission Services ("Franchisee")) to acquire said telecommunications franchise; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTUCKY, AS FOLLOWS:

SECTION I

Based upon the foregoing recitals and acting in accordance with Sections 163 and 164 of the Constitution of the Commonwealth of Kentucky and applicable Kentucky law, and subject to the conditions and covenants set forth in that certain Telecommunications Franchise Agreement, a copy of which is attached hereto and made a part hereof as Attachment A (the "Franchise Agreement"), that a non-exclusive telecommunications franchise created by this Ordinance and the Establishment Resolution be, and it hereby is, granted and awarded to Franchisee, for the cost of advertising, plus any application fees, and the franchise fees and such other compensation, all as are set forth in the Franchise Agreement. The franchise granted and

awarded in this Ordinance only authorizes Franchisee to provide the telecommunications services specifically authorized in the Franchise Agreement.

SECTION II

The Franchise granted in this Ordinance shall be for a period of five (5) years with the option to renew upon mutual agreement of the City and the Franchisee.

SECTION III

All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

SECTION IV

That the Mayor of the City is hereby authorized to sign the Franchise Agreement to memorialize the sale and award by the City to the Franchisee of said franchise. Further, the Mayor is hereby authorized to negotiate such changes to the Franchise Agreement as he or she may deem necessary or desirable, so long as such changes do not affect the overall substance of this Ordinance and the Franchise Agreement.

SECTION V

That the statements set forth in the Preamble to this Ordinance are hereby incorporated in this Ordinance by reference, the same as if set forth at length herein.

SECTION VI

All rights and privileges granted in the Franchise Agreement, are, at times during the aforesaid term, subject to all lawful exercise of the police and legislative powers of the City. Franchisee shall comply with all applicable laws, ordinances and regulations which the City has adopted or shall adopt, applying to the public generally and to other franchisees, licensees, or grantees.

SECTION VII

The provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION VIII

Upon its passage, this Ordinance shall be published according to law, and said publication may be in summary form.

SECTION IX

This Ordinance shall be in full force and effect when passed, recorded, and published according to law. Said publication may be in summary form.

Passed by City Council this 18th day of MARCH, 2020.

CITY OF FORT WRIGHT, KENTUCKY

By: 

Hon. David Hatter - Mayor

ATTEST:



Maura Russell, City Clerk

Date of First Reading: 3-4-2020

Date of Second Reading and Enactment: 3-18-2020

Date Published: 3-30-2020

ENQUIRER MEDIA

PART OF THE USA TODAY NETWORK

Advertiser:

CITY OF FORT WRIGHT
409 KYLES LN

COVINGTON KY 41011

**LEGAL NOTICE
ATTACHED**

This is not an invoice
Account #: CIN-383530
Total Cost of the Ad: \$38.32
Last Run Date: 03/30/2020

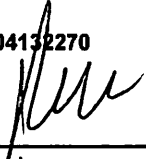
of Affidavits: 1

AFFIDAVIT OF PUBLICATION

Newspaper: CIN-EN Kentucky Enquirer

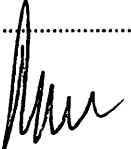
State of Wisconsin

RE: Order # 0004132270

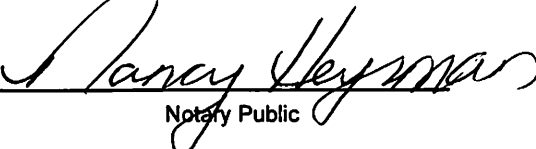
I, 
of the The Enquirer, a newspaper printed in
Cincinnati, Ohio and published in Cincinnati, in said
County and State, and of general circulation in said
county, and as to the Kentucky Enquirer published
in Ft. Mitchell, Kenton County, Kentucky, who being
duly sworn, depose and saith that the
advertisement of which the annexed is a true copy,
has been published in the said newspaper times,
once in each issue as follows:

The City of Fort Wright, Kentucky has adopted Ordinance 20-2020 Confirming the Sale and Awarding of a Non-exclusive Franchise to MCI Metro Access Transmission Services Corp. D/B/A Verizon. The ordinance may be viewed in full on our website at www.fortwright.com/about/city-ordinances.
KY, Mar30, '20#4132270

03/30/2020

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Subscribed and sworn to before me this
30th day of March, 2020


Notary Public

5.15.23
Commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin