

BILL NO. 16-278

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO NETWORK COOPERATION AND SERVICES AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND GOOGLE FIBER MISSOURI, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, the City of Lee's Summit (hereinafter "City") and Google Fiber Missouri, LLC (hereinafter "Google Fiber") entered into a Network Cooperation and Services Agreement on September 30, 2013; and,

WHEREAS, City and Google Fiber have negotiated terms and conditions which necessitate an amendment to the First Amendment to Network Cooperation and Services Agreement whereby the obligation of Google Fiber to provide free broadband service to City facilities is no longer necessary; and

WHEREAS, City and Google Fiber desire to enter into the First Amendment to Network Cooperation and Services Agreement in order to memorialize the aforementioned negotiated terms and conditions.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the First Amendment Network Cooperation and Services Agreement, a true and accurate copy of the same being attached hereto as "Exhibit A" and incorporated herein by reference be and the same is hereby approved.

SECTION 2. That the City Manager is authorized to execute the First Amendment to Network Cooperation and Services Agreement, as well as any and all related documents, certificates or instruments as may be necessary to carry out and comply with the intent of this Ordinance by on behalf of the City of Lee's Summit, Missouri.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 4. That should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

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APPROVED by the Mayor of said city this ____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief Counsel of Management and Operations/Deputy City Attorney
Jackie McCormick Heanue