

BILL NO. 22-161

AN ORDINANCE APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT AND GOOGLE FIBER MISSOURI, LLC TO USE CITY RIGHT-OF-WAY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF THE CITY.

WHEREAS, the City of Lee's Summit, Missouri (the "City") has jurisdiction over the public rights-of-way ("ROW") in the City; and,

WHEREAS, Google Fiber Missouri, LLC ("Google") owns, maintains, operates, and controls a fiber-optic infrastructure network within the ROW; and,

WHEREAS, Google previously operated its network pursuant to the Missouri Services Providers Act, but is no longer subject to such act because it stopped providing video services; and,

WHEREAS, Google desires continue to use and occupy ROW in order to install, operate, and maintain its network for the purpose of offering internet services; and,

WHEREAS, the City desires to execute a license agreement with Google to allow it to continue using City right-of-way.

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

SECTION 1. The City Council approves a license agreement between the City and Google Fiber Missouri, LLC, attached as Exhibit A and incorporated herein by reference, allowing Google Fiber Missouri, LLC to use City right-of-way to provide internet services, and authorizes the City Manager to execute the same in substantially the same form as the attached on behalf of the City.

SECTION 2. 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 3. 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 _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2022.

ATTEST:

Mayor William A. Baird

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*