

BILL NO. 16-277

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO LICENSE AGREEMENT FOR THE MAYBROOK SUBSTATION 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 Hut License Agreement on March 6, 2015 for the City-owned property located at the Maybrook Substation in Lee's Summit, Missouri; and,

WHEREAS, City and Google Fiber have negotiated terms and conditions which necessitate an amendment to the Hut License Agreement whereby provisions related to the community connections commitments shall be removed and provisions will be included to require Google Fiber to provide annual lease payments to City for use of City's facilities consistent with the remaining terms and provisions of the Hut License Agreement; and

WHEREAS, City and Google Fiber desire to enter into the First Amendment to License Agreement for the Maybrook Substation 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 to Hut License Agreement for the Maybrook Substation, 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 Hut License Agreement for the Maybrook Substation 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