

ORDINANCE

APPROVING A NON-EXCLUSIVE RIGHT-OF-WAY LICENSE AGREEMENT WITH CENTRIC FIBER, LLC, FOR THE PROVISION OF BROADBAND INTERNET ACCESS 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 Centric Fiber, LLC, is patterned after prior license agreements including the Google Fiber Texas LLC License Agreement approved in Ordinance No. 2017-11-09-0883 and the Zayo Group, LLC License Agreement approved in Ordinance No. 2018-06-07-0417; and

WHEREAS, the City's and Centric Fiber, LLC's, 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 License Agreement between the City of San Antonio and Centric Fiber, LLC is approved in substantially the same form as it appears in **Exhibit A**.

SECTION 2. The City Manager or designee is hereby authorized to execute the License Agreement and any and all documents necessary to fulfill the purpose and intent of this Ordinance.

SECTION 3. Funds received for this ordinance for License Agreement fees will be deposited in Fund _____, Internal Order _____ and General Ledger _____.

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.

TF
01/26/23
Item No. 29

SECTION 5. This ordinance is effective immediately upon the receipt of eight affirmative votes, or in the event eight affirmative votes are not received, on the tenth day after passage.

PASSED AND APPROVED this 26th day of January, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

EXHIBIT A

(ROW License Agreement)