

ORDINANCE NO. 2023-128

**AN ORDINANCE AUTHORIZING A FRANCHISE AGREEMENT WITH
CROWN CASTLE FIBER LLC**

WHEREAS, Crown Castle Fiber LLC has requested a franchise from the City for the installation and operation of fiber-optic cable, small low powered antennas and related equipment in the City's right of way and on the City's existing poles for telecommunication services; and

WHEREAS, the City Council of the City of Madison has determined that the proposed franchise, for a ten-year term, will promote the health, safety, and welfare of the public and otherwise serve the public interest; and

WHEREAS, by this Ordinance, the City desires to extend its grant of a non-exclusive franchise to Crown Castle Fiber LLC and to authorize the execution of the attached "Public Right-Of-Way Use Agreement (Fiber Network)" between the City of Madison and Crown Castle Fiber LLC.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Madison as follows:

Section 1. The City, in consideration of the acceptance of the mutual covenants and agreements and of all the terms and conditions of this Ordinance hereby grants to Crown Castle Fiber LLC, the right, privilege, authority, and non-exclusive agreement for the installation and operation of fiber-optic cable, manholes, handholes and related equipment, as defined in the "Public Right-Of-Way Use Agreement (Fiber Network)," and to use the streets, avenues, existing poles and public ways, and places in the City for such purposes in accordance with the terms, conditions, and provisions of this Ordinance.

Section 2. That the Mayor is hereby authorized and directed to execute the "Public Right-Of-Way Use Agreement (Fiber Network)" attached hereto as **Exhibit A** and that the City Clerk-Treasurer is hereby authorized to appropriately attest the same.

Section 3. If any word, clause, phrase, sentence, paragraph, or provision of this Ordinance or the "Public Right-Of-Way Use Agreement (Fiber Network)" shall be invalidated by a court of competent jurisdiction, such invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or provision hereof.

Section 4. That the "Public Right-Of-Way Use Agreement (Fiber Network)" shall be in full force and effect after the date of its final passage, adoption, and proper execution. A synopsis of this Ordinance or synopsis thereof shall be published, at the expense of the

franchisee, one time in the Madison County Record, a newspaper of general circulation in the City of Madison, Alabama.

READ, PASSED, and ADOPTED this 24th day of July 2023

Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this _____ day of July 2023

Paul Finley, Mayor
City of Madison, Alabama