

11-1637

(Do Not Write Above This Line)

A RESOLUTION BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH NEXTG NETWORKS OF NY, INC., A DELAWARE CORPORATION D/B/A NEXTG NETWORKS EAST, TO PROVIDE TELECOMMUNICATIONS SERVICES USING PUBLIC RIGHT-OF-WAY INCLUDING APPROVED CITY OWNED STRETLIGHTS AND STREET POLES; SPECIFYING THE COMPENSATION DUE THE CITY OF ATLANTA BY THE AGREEMENT; AND FOR OTHER PURPOSES. ADOPTED BY

NOV 21 2011

CONSENT REFER COUNCIL

- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPPER REFER

Date Referred Referred To:

Date Referred Referred To:

Date Referred Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee CH/1,hes

Date Nov. 15 2011

Chair Valeria Buckley

Action Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Other _____

Committee

Date _____

Chair _____

Action _____

Other _____

Members

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Other _____

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

NOV 21 2011

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

NOV 21 2011

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY CITY UTILITIES COMMITTEE

11-*R*-1637

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH NEXTG NETWORKS OF NY, INC., A DELAWARE CORPORATION D/B/A NEXTG NETWORKS EAST, TO PROVIDE TELECOMMUNICATIONS SERVICES USING PUBLIC RIGHT-OF-WAY INCLUDING APPROVED CITY OWNED STREETLIGHTS AND STREET POLES; SPECIFYING THE COMPENSATION DUE THE CITY OF ATLANTA BY THE AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, NextG Networks of NY, Inc., d/b/a NextG Networks East (“NextG”), desires to provide telecommunications services on, under, over and through the public rights-of-way within the City of Atlanta (“City”); and

WHEREAS, pursuant to Ordinance 04-O-1750, the City did enter into a franchise agreement with NextG and a subsequent franchise renewal agreement to provide telecommunications services on, under, over and through the public rights-of-way and also preserve the rights of the City and its compensation schedule, pursuant to Ordinance 09-O-0403; and

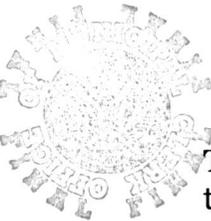
WHEREAS, Official Code of Georgia Section 46-5-1 et. seq., established a uniform State application process for any telegraph or telephone company that places or seeks to place lines and facilities in the public rights-of-way and which also preempts the ability of municipalities to require any telegraph or telephone company to apply for or enter into an individual license, franchise, or other agreement; and

WHEREAS, NextG has made formal application to the State of Georgia to access the public rights-of-way within the City for the provision of telecommunications services as a State certified utility under O.C.G.A. 46-5-1 et. seq., and

WHEREAS, NextG also desires to attach telecommunications equipment to certain City owned streetlight poles (“Poles”) located in the public right-of-way, as more specifically described herein on Exhibit “A”; and

WHEREAS, NextG has requested permission for the continued use and occupation of City Poles for the purpose of providing telecommunications services and has agreed to pay to the City an annual pole attachment fee of \$695 per attachment to any City owned Pole; and

WHEREAS, the Department of Public Works has recommended that the Mayor or his designee execute an Agreement between the City and NextG in order to preserve NextG’s right to attach telecommunications equipment to City Poles.



THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the Mayor, or his designee, is hereby authorized to enter into an Agreement with NextG Networks of NY, Inc., d/b/a NextG Networks East, for use of the public rights-of-way and the non-exclusive right of attachment to approved City streetlight poles (“Poles”) for telecommunications purposes.

BE IT FURTHER RESOLVED, NextG Networks of NY, Inc., d/b/a NextG Networks East, shall pay the City an annual attachment fee of \$695.00 per attachment to any City owned Pole that NextG is approved to utilize.

BE IT FURTHER RESOLVED, that all revenue generated shall be deposited into FDOA: 1001 (General Fund) 130301 (DPW Transportation Administration) 3442707 (Miscellaneous Other Revenue) 4210000 (Highways & Streets Administration).

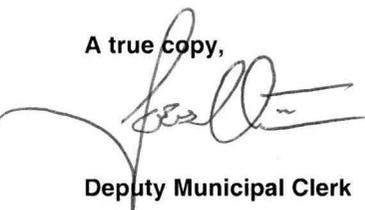
BE IT FURTHER RESOLVED, that the City Attorney is directed to negotiate, prepare, and review an Agreement necessary to effect the intent of this resolution, for execution by the Mayor and NextG Networks of NY, Inc., d/b/a NextG Networks East.

BE IT FINALLY RESOLVED, that the Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the Agreement has been approved as to form by the City Attorney, signed by the Mayor, executed by the City Clerk, and delivered to NextG Networks of NY, Inc., d/b/a NextG Networks East.

A true copy,

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Nov. 21, 2011
Nov. 30, 2011



Deputy Municipal Clerk

RCS# 1554
11/21/11
2:02 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ALL ITEMS EXCEPT 11-O-1553

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 1553
11/21/11
2:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

RECONSIDER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
NV Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 1552
11/21/11
1:59 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
NV Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I