

A RESOLUTION BY COUNCILMEMBERS CARLA SMITH, KWANZA HALL, NATALYN ARCHIBONG, ALEX WAN AND ANDRE DICKENS AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO AN EQUIPMENT HOUSING LICENSING AGREEMENT WITH GOOGLE FIBER, AUTHORIZING THE CITY TO CONSIDER ALLOWING GOOGLE FIBER TO OCCUPY AND USE VARLOUS SITES THAT MAY BE OWNED BY THE CITY OF ATLANTA FOR THE PURPOSE OF ERECTING STRUCTURES THAT WILL HOUSE NETWORK EQUIPMENT AND FIBER THAT ARE PART OF LICENSEE'S FIBER OPTIC NETWORK ("NETWORK HUT"); AND FOR OTHER PURPOSES.

Workflow List:

Atlanta City Council	Completed	04/23/2014 7:46 PM
City Utilities Committee	Pending	

HISTORY:

04/21/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 4/29/2014 9:30 AM
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

CITY COUNCIL
ATLANTA, GEORGIA

14-R-3406

SPONSOR SIGNATURES


Carla Smith, Councilmember, District 1


Kwanza Hall, Councilmember, District 2

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WHEREAS, Google Fiber is considering deploying a fiber optic network in nine cities in the Atlanta region;

WHEREAS, Google Fiber is considering the City of Atlanta as one of the Cities it will deploy its fiber optic network in;

WHEREAS, Google Fiber will require the placement of structures that will house network equipment and fiber that are part of Licensee's fiber optic network ("Network Hut"); and

WHEREAS, Google Fiber has asked the City of Atlanta to consider the possibility of licensing City sites for the placement of possible Network Huts; and

WHEREAS, Google Fiber will have to conform to all City requirements under the City Atlanta Code; and

WHEREAS, in furtherance of the Network Hut plan, the City (the "City") and Google Fiber ("Google") wish to enter into a Network Hut License Agreement ("Agreement"); and

WHEREAS, City will consider Google Fibers offer to place Network Huts upon sites, if or when Licensee and City agree upon specific sites, the parties will complete and sign the form attached as Exhibit B to the Agreement ("Site Terms") for each site ("Network Hut Site") after receiving authorization from City's governing body. The Site Terms include a legal description of the Network Hut Site, the fees to be paid for use of the site, the term of agreement, the insurance and bonding requirements and any other special terms or requirements applicable to the Network Hut Site. Any installation or maintenance within said Network Hut Site must be approved by City prior to the start of any work on said Site. All utilities serving the Network Hut Site shall be coordinated by and paid for by Licensee.

WHEREAS, the term will be from the Effective Date of the agreement and end on the termination date of Licensee's franchise agreement or ten (10) years whichever is longer.; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES, that the Mayor, on behalf of the City is hereby authorized to enter into the Network Hut License Agreement in substantially similar form to the document attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the Network Hut License Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Mayor or his designee are authorized to execute the necessary documents to effectuate the intent of the Network Hut License Agreement.

BE IT FINALLY RESOLVED, that the Network Hut License Agreement shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been approved by the City Attorney as to form, signed by the Mayor and attested to by the municipal clerk, and delivered to Google Fiber.

[Handwritten signatures: "A. D. ...", "Natalie Archibald", "Caleb Smith", "Kwanza Hall"]

**A RESOLUTION
BY COUNCILMEMBER(S)**

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