

ORDINANCE NO. 6-16

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY
AND POLE USE AGREEMENT WITH CROWN CASTLE NG EAST LLC
AND DECLARING AN EMERGENCY**

WHEREAS, Crown Castle NG East LLC (“Crown Castle”) has applied for consent to install telecommunications fiber, equipment and poles within the City’s rights of way and to attach to certain municipal facilities in connection with such installation; and

WHEREAS, Crown Castle possesses a Certificate of Public Convenience and Necessity from the Public Utilities Commission of Ohio; and

WHEREAS, on January 20, 2016, the Planning Commission voted to approve the installation of said improvements and recommended the acceptance of the right of way agreement by a vote of () in favor and () opposed; and

WHEREAS, Council has had an opportunity to review the recommendation of Planning Commission and the proposed Agreement between the City of Avon and Crown Castle NG East LLC (“Crown Castle”) and finds it to be acceptable and further determines that entering into said Agreement will promote the health, safety and welfare of the citizens of Avon by facilitating access by the Administration to fiber optic data transmission lines.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
AVON, LORAIN COUNTY, OHIO:**

Section 1 - That the Mayor is hereby authorized to execute a municipal right of way and pole use agreement substantially in accordance with the agreement attached hereto as Exhibit A, for an initial term of 10 (ten) years, and renewable for up to three (3) additional terms of five (5) years each.

Section 2 - That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3 – That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the City to take action to ensure that the installation proposed by Crown can occur to enable enhanced telecommunications services within the City at the earliest possible time, for which reason and other reasons manifest to this Council; therefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director