

INTRODUCED BY:

ORDINANCE NO.2010-79

AN ORDINANCE AMENDING ORDINANCE NO. 2009-162 PASSED BY COUNCIL ON DECEMBER 21, 2009, WHICH GRANTED A LICENSE TO NORTHEASTERN ITS, LLC FOR THE USE OF THE CITY'S RIGHT-OF-WAY FOR THE INSTALLATION AND USE OF CONDUIT AND FIBER OPTIC CABLE AND AUTHORIZED THE MAYOR TO ENTER INTO A LICENSE AGREEMENT, TO AUTHORIZE A REVISE ROUTE AND INSTALLATION OF NEW CONDUIT ALONG A PROTION OF THE ROUTE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2009-162 passed by Council on December 21, 2009 granted a license to Northeastern ITS, LLC ("Northeastern") for the use of the City's right-of-way to provide telecommunications services pursuant to federal law and regulation by the Public Utilities Commission of Ohio; and

WHEREAS, subsequent to the passage of Ordinance No. 2009-62, Northeastern informed the City of the need to revise the proposed route and install new conduit along a portion of the route to achieve better route alignment and have a better regional impact.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1. Council hereby amends Section 1 of Ordinance No. 2009-162, passed by Council on December 21, 2009, to read in full as follows:

Section 1: Council hereby grants a license to Northeastern ITS, LLC to use the City's right-of-way for the purposes and along the route more fully described in the ~~proposed~~ License Agreement, including **revised** Exhibits **A-1** ~~and B~~ to the License Agreement, which ~~are~~ is attached hereto and made a part hereof.

Section 2. Ordinance No. 2009-162 passed by Council on December 21, 2009 shall otherwise continue in full force and effect except as amended herein.

Section 3. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4. This Ordinance is hereby declared to be an urgent measure necessary for the preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City to comply with federal telecommunications law and, further, so that the fiber cable can be installed on schedule as part of an installation passing through a number of communities in Cuyahoga County.

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WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 7th day of June 2010, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 8th day of June 2010.

Clerk

Approval: I have approved this legislation this 8th day of June 2010 and filed it with the Clerk.

Mayor