

RESOLUTION NO. 277 -2013

A RESOLUTION ACCEPTING THE BID OF TW TELECOM OF KENTUCKY LLC, IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE NO. 50-2013, CREATING AND OFFERING FOR SALE A SHORT TERM FRANCHISE FOR THE OPERATION OF A NON-EXCLUSIVE TELECOMMUNICATIONS SYSTEM IN FAYETTE COUNTY, AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A FRANCHISE AGREEMENT WITH TW TELECOM OF KENTUCKY LLC, INCORPORATING THE TERMS AND CONDITIONS OF ORDINANCE NO. 50-2013.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

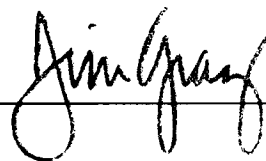
Section 1 - That the bid of TW Telecom of Kentucky LLC, submitted in accordance with the provisions of Ordinance No. 50-2013, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, a copy of which is attached to the Franchise Agreement as Exhibit "B", is hereby declared to be a highest and best bidder for said franchise; and said franchise is hereby sold to and vested in TW Telecom of Kentucky LLC, for the period of time provided in the Ordinance and Franchise Agreement.

Section 2 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute the Franchise Agreement with TW Telcom of Kentucky LLC, which is attached hereto and incorporated herein by reference, and which agreement incorporates by reference in its entirety the material provisions of Ordinance No. 50-2013 passed by the Urban County Council on May 2, 2013.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 6, 2013

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

FARRIS MATHEWS BOBANGO, PLC

ATTORNEYS AT LAW

Nashville · Memphis

HISTORIC CASTNER-KNOTT BUILDING
618 CHURCH STREET, SUITE 300
NASHVILLE, TENNESSEE 37219

(615) 726-1200 telephone · (615) 726-1776 facsimile

Charles B. Welch, Jr.
cwelch@farrismathews.com

Direct Dial:
(615) 687-4230

May 20, 2013

SENT VIA FEDEX EXPRESS: 8690 2356 8646

Todd Slatin, Director
Division of Central Purchasing
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507

**Re: Invitation to Bid #65-2013
tw telecom of ky llc Bid for Franchise under Ordinance 143-2011**

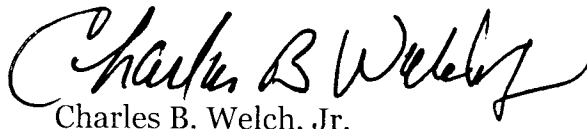
Dear Mr. Slatin:

We are counsel to tw telecom of ky llc ("tw telecom"), a telecommunication utility providing service within Fayette County. On October 29, 2008 the Kentucky Public Service Commission, pursuant to KRS 278.020(4), granted tw telecom a Certificate of Public Convenience and Necessity to enter into a franchise agreement. tw telecom desires to obtain a franchise and will comply with the terms of Ordinance 143-2011 adopted pursuant to the provisions of Ordinance 240-2008, and all other relevant laws, regulations, standards, and ordinances.

Enclosed is a check for \$500.00 as required to meet the advertising and administrative costs for the Invitation to Bid. If there are any questions concerning this bid, please do not hesitate to contact me.

Very truly yours,

FARRIS MATHEWS BOBANGO PLC



Charles B. Welch, Jr.

cc: Carolyn Ridley

6799

FARRIS MATHEWS BOBANGO PLC

618 CHURCH STREET, SUITE 300
NASHVILLE, TN 37219
(615) 726-1200

Deposit ID 71350



a division of SYNOVUS BANK

87-388-640

5/20/2013

Security Features. Details on Back

PAY TO THE ORDER OF Lexington-Fayette Urban County Government

\$ **500.00

Five Hundred and 00/100***** DOLLARS

Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507

AUTHORIZED SIGNATURE

MEMO T W TELE COM
franchise advertising and admin. fee (CBW 4324-99)

⑆006799⑆ ⑆06400388⑆ ⑆0158704⑆