

RESOLUTION NO. \_\_\_\_\_-2021

A RESOLUTION ACCEPTING THE BID OF OPENFIBER KENTUCKY COMPANY, LLC, IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE NO. 69-2016, CREATING AND OFFERING FOR SALE A FRANCHISE FOR THE OPERATION OF A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) SYSTEM IN FAYETTE COUNTY, AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A FRANCHISE AGREEMENT WITH OPENFIBER KENTUCKY COMPANY, LLC, INCORPORATING THE TERMS AND CONDITIONS OF ORDINANCE NO. 69-2016.

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

Section 1 - That the bid of OpenFiber Kentucky Company, LLC, submitted in accordance with the provisions of Ordinance No. 69-2016, creating and offering for sale a franchise for the operation of a non-exclusive telecommunications (or related non-cable) 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 OpenFiber Kentucky Company, 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 a Franchise Agreement with OpenFiber Kentucky Company, LLC, which agreement incorporates by reference in its entirety the material provisions of Ordinance No. 69-2016 passed by the Urban County Council on May 12, 2016.

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

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

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