

ORDINANCE NO. 191021

Authorizing a License Agreement with New Cingular Wireless PCS, LLC to install and maintain Small Wireless Facilities; and estimating revenue in the amount of \$1,500.00 in the pole attachment fees account.

WHEREAS, New Cingular Wireless PCS, LLC is the holder of a certificate of service authority from Missouri Public Service Commission to provide certain communications services; and

WHEREAS, New Cingular Wireless PCS, LLC proposes to locate, place, attach, install, operate and maintain New Cingular Wireless PCS, LLC Small Wireless Facilities on or within the City's right-of-way (a) on City Utility Poles in said areas, and (b) on or within the facilities (i.e. poles, lines, wires, and conduit) of other utility companies such as Evergy, Inc. pursuant to New Cingular Wireless PCS, LLC's separate locate agreements with said utility companies; and

WHEREAS, New Cingular Wireless PCS, LLC proposes to install and maintain New Cingular Wireless PCS, LLC's Small Wireless Facilities on City Utility Poles to provide communications services; and

WHEREAS, the City is willing, to grant New Cingular Wireless PCS, LLC a non-exclusive, revocable license under which the City will issue permits authorizing New Cingular Wireless PCS, LLC to locate, place, attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace New Cingular Wireless PCS, LLC's Small Wireless Facilities on City Utility Poles; and

WHEREAS, the City may in its sole discretion, for reasons relating to insufficient capacity, safety, reliability, generally applicable engineering purposes or other governmental needs, uses, obligations and reasons, refuse to issue a permit for any particular City Utility Pole so long as New Cingular Wireless PCS, LLC is treated in a competitively neutral and non-discriminatory manner as compared with other similarly situated third-parties; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Public Works is authorized to execute a License Agreement with New Cingular Wireless PCS, LLC to install and maintain Small Wireless Facilities on City Utility Poles for the agreement term ending on December 31, 2039, with possible three (3) additional five (5) year renewal terms thereafter. A copy of the License Agreement is on file in the office of the Director of Public Works.

Section 2. That revenue in the following account is hereby estimated in the following amount:

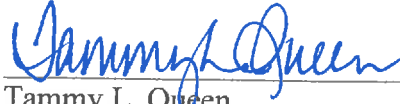
ORDINANCE NO. 191021

20-2060-892200-462152

Pole Attachment Fees

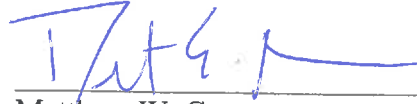
\$1,500.00

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.



Tammy L. Queen
Director of Finance



Approved as to form and legality:



for Matthew W. Cooper
Assistant City Attorney



Authenticated as Passed


Quinton Lucas, Mayor
Marilyn Sanders, City Clerk
DEC 19 2019

Date Passed