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JUN 28 2007

ORDINANCE NO. 3936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, APPROVING AN AGREEMENT BETWEEN ABOVE NET COMMUNICATIONS, INC. AND THE CITY OF CHANDLER FOR THE USE OF CITY RIGHT-OF-WAY AND PUBLIC PLACES TO ESTABLISH A COMMUNICATION SYSTEM.

WHEREAS, the Chandler City Council has determined that it is in the best interest of, and consistent with, the convenience and necessity of the City of Chandler to grant such authorization to companies desiring to provide communications infrastructure within the City of Chandler; and

WHEREAS, AboveNet Communications, Inc. has negotiated with the City of Chandler to enter into an Agreement to place communication infrastructure in City of Chandler right-of-way for its use as detailed in the Agreement; and

WHEREAS, the City Council has reviewed the terms and conditions of the Agreement with AboveNet Communications, Inc. and believes it to be in the best interests of the citizens of the City of Chandler;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AS FOLLOWS:

SECTION I: That the Mayor of the City of Chandler is herewith authorized to execute the *Agreement Between AboveNet Communications, Inc. And The City Of Chandler For The Use Of Facilities In The City's Rights-Of-Way And Public Places For the Placement and Operation of Communications Infrastructure.*

SECTION II: That the various City officers and employees be and they are hereby authorized and directed to perform all acts necessary to give effect to this Ordinance.

SECTION III: This Ordinance shall become effective thirty days from and after its final adoption: provided, however, that the agreement hereby granted shall not become effective unless and until AboveNet Communications, Inc. has accepted said agreement as provided herein and has carried out such other terms and conditions as may be required before said agreement shall become effective.

INTRODUCED AND TENTATIVELY ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ___ day of _____, 2007.

ATTEST:

MAYOR:

CITY CLERK

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ___ day of _____, 2007.

ATTEST:

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3936 was duly passed and adopted by the City Council of the City of Chandler, at a regular meeting held on the ___ day of _____, 2007 and that a quorum was present thereat.

City Clerk

Published:

APPROVED AS TO FORM:

phw
