

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3530

**AN ORDINANCE APPROVING A RIGHT-OF-WAY LICENSE AGREEMENT WITH
DELTA COMMUNICATIONS, L.L.C., D/B/A CLEARWAVE COMMUNICATIONS**

WHEREAS, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the City has specifically been granted authority, including 220 ILCS 65/0.01 *et seq.*, to establish requirements for structures or equipment in the public right-of-way (“ROW”); and

WHEREAS, Delta Communications, L.L.C., d/b/a Clearwave Communications (“Licensee”) desires to install fiber optic cable and necessary appurtenances in certain sections of the City’s public right-of-way; and

WHEREAS, the City and Licensee have negotiated an agreement regulating use of said public right-of-way.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Columbia, as follows:

- Section 1.** The preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.
- Section 2.** A Right-of-Way License Agreement between the City of Columbia, Illinois, and Delta Communications, L.L.C, d/b/a Clearwave Communications, in substantially the form of the copy of said Agreement attached hereto as Exhibit “A” and hereby incorporated by reference, be and the same is hereby authorized and approved.
- Section 3.** The Mayor of the City is hereby authorized and directed to execute the Agreement and the City Clerk is hereby authorized and directed to attest to said execution of said Agreement.
- Section 4.** This Ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 3rd day of August, 2020, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle.

NOES: None.

ABSTENTIONS: None.

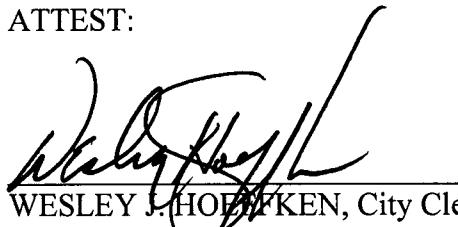
ABSENT: None.

APPROVED:



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEPFKEN, City Clerk

(SEAL)