

BILL NO. BL2019-_____

An ordinance granting a franchise to Zayo Group, LLC to construct, operate, and maintain a telecommunications system within Metropolitan Nashville and Davidson County under the provisions of Metropolitan Code of Laws, Title 6, Chapter 26 (Proposal No. 2019M-017AG-001).

WHEREAS, in Metropolitan Code of Laws, Title 6, Chapter 26 (the Fiber Optic Franchise Ordinance), the Council of The Metropolitan Government of Nashville and Davidson County established terms and conditions for any company wishing to construct, operate, and maintain a telecommunications system in the public right-of-ways, using fiber optic cable, in whole or in part; and,

WHEREAS, Zayo Group, LLC, a Delaware corporation duly authorized to do business in the State of Tennessee (hereinafter "Grantee"), has duly filed an application for such a franchise and has filed an affidavit warranting that it is financially capable to construct, maintain, and operate a telecommunications system, pursuant to Section 6.26.030.B.5. of the Metropolitan Code of Laws (as amended in BL2016-310).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That a franchise to construct, operate and maintain a telecommunications system, as defined by the Metropolitan Code of Laws, Title 6, Chapter 26, within Metropolitan Nashville and Davidson County is hereby granted to Grantee in accordance with the terms and conditions of the Fiber Optic Franchise Ordinance, and for a term of fifteen (15) years. The grant of this franchise shall not be deemed to constitute individual approval of any new poles Grantee contends it needs for nodes indicated on any maps submitted by Grantee with its application. Such pole locations shall still be subject to approvals required under applicable law, including but not limited to Metropolitan Code of Laws Section 6.26.060 and the Zoning Code (Title 17), and the grant of this franchise shall not be deemed a substitute for any further and necessary governmental approvals.

Section 2. That the Telecommunications Franchise Contract by and between The Metropolitan Government of Nashville and Davidson County and Grantee, which contract is attached hereto and by reference made a part of this Ordinance, is hereby approved and the Metropolitan Mayor is hereby authorized to execute said contract.

Section 3. That in all matters concerning the rights-of-way, the Grantee will comply with the provisions of the Americans With Disabilities Act of 1990, as amended, and the Rehabilitation Act of 1973.

Section 4. That this Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

Mark Sturtevant, Director
Department of Public Works

Member(s) of Council

APPROVED AS TO AVAILABILITY
OF FUNDS:

Talia Lomax O'dneal
Director of Finance

APPROVED AS TO FORM AND
LEGALITY:

Assistant Metropolitan Attorney