

**RESOLUTION AND NOTICE REGARDING THE GRANTING OF
A TELECOMMUNICATIONS SERVICE FRANCHISE TO TW TELECOM OF
NEVADA LLC, SETTING THE PURPOSE, CHARACTER, TERM AND CONDITIONS
OF THE PROPOSED FRANCHISE AND SETTING A PUBLIC HEARING ON
THE ADVISABILITY OF GRANTING THE PROPOSED FRANCHISE**

WHEREAS, the CITY OF LAS VEGAS (CITY), is desirous of providing its residents the opportunity to receive telecommunications service; and

WHEREAS, tw telecom of nevada llc (tw telecom) is a limited liability company organized and existing under the laws of the State of Delaware, is authorized to do business in the State of Nevada, and was created for the purpose of providing a telecommunications service; and

WHEREAS, tw telecom has requested the CITY to grant it a franchise permitting the installation, operation and maintenance of a telecommunications service within the corporate limits of the CITY; and

WHEREAS, there exists a need to ensure that the installation, operation and maintenance of a telecommunications service within the corporate limits of the CITY is conducted in a manner which will not interfere with the public's use of improved or unimproved public ways, highways, streets, avenues and alleys now or hereafter existing; and

WHEREAS, in response to tw telecom's request for franchise, a proposed Franchise Agreement between the CITY and tw telecom has been prepared granting the necessary permission and authority to tw telecom to utilize the various improved or unimproved public ways (excluding railroad rights-of-way), highways, streets, avenues and alleys, now or hereafter existing, for purposes of installing, operating and maintaining its telecommunications service.

NOW, THEREFORE, pursuant to the requirements of Section 7.050 of the Las Vegas Charter, IT IS HEREBY ACKNOWLEDGED, DETERMINED AND RESOLVED, by the City Council of the City of Las Vegas, Nevada, as follows:

1. That tw telecom has requested the CITY that a franchise be granted to tw telecom for the purpose of installing, operating and maintaining a telecommunications service within the corporate boundaries of the CITY.

2. That the purpose, character, terms, time and conditions of the franchise that the CITY proposes to grant to tw telecom in response to such request to install, operate and maintain a

1 telecommunications service in, upon, along, across, above, over and under the public ways
2 (excluding railroad rights-of-way), highways, streets, avenues and alleys within the corporate
3 boundaries of the CITY for a ten (10) year term, with a five (5) year extension under the same terms
4 and conditions upon request of tw telecom is fully set forth in the proposed Franchise Agreement
5 on file in the Office of the City Clerk of the City of Las Vegas, Nevada, which proposed Franchise
6 Agreement is available for inspection by members of the public. For purposes of Section 7.050 of
7 the City Charter, the proposed Franchise Agreement is, by this reference, incorporated herein and
8 made a part of this Resolution and Notice.

9 3. That a public hearing be, and it hereby is, set for Wednesday, the 16th day of February,
10 2011, in the City Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada,
11 at the hour of 1:00 p.m., for the purpose of hearing any objections or protests made by any person
12 to the granting of a franchise to tw telecom pursuant to the proposed Franchise Agreement.

13 4. That all interested persons shall have, and they are hereby given, the right to appear and
14 be heard on the question of the advisability of granting a telecommunications service franchise
15 pursuant to the proposed Franchise Agreement to tw telecom at the place, date and hour specified
16 for the public hearing in paragraph 3 of this Resolution and Notice, or at any subsequent time to
17 which said public hearing may be adjourned.

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1 5. That the notice provided by this Resolution and Notice is reasonably calculated to inform
2 each interested person of his or her opportunity to appear and be heard on the question of the
3 granting of a telecommunications service franchise pursuant to the proposed Franchise Agreement,
4 and that the City Clerk therefore, be, and she hereby is, authorized, empowered and directed to cause
5 a copy of this Resolution and Notice to be published in full in the issues of the Las Vegas Review
6 Journal published on the 26th day of January, 2011, and the 2nd day of February, 2011.

7 PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2011.

8 CITY OF LAS VEGAS

9
10 BY _____
 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
 City Clerk

14 APPROVED AS TO FORM

15 *Valsted* 1-5-11

 Date